

LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED, AT THE SEVENTH SESSION

OF THE

GENERAL ASSEMBLY,

HELD AT CORYDON, ON THE FIRST MONDAY IN DECEMBER,
IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWEN-
TY TWO.

[BY AUTHORITY.]

CORYDON:

Printed by Carpenter and Douglass.

1828.

LAWS
OF THE
STATE OF INDIANA.

CHAPTER I.

AN ACT providing for the more speedy printing of the acts, and joint resolutions of the General Assembly.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be the duty of the secretary of state, to furnish the public printer with certified copies; of the acts and joint resolutions of the General Assembly, so soon as the same shall be deposited in his office, or as soon thereafter as he shall be required, taking the printers' receipt therefor. And in no case shall he suffer the original to be taken out of his office. The secretary of state shall furnish the public printer with certified copies of the laws & joint resolutions.

SEC. 2. And the secretary of state shall be allowed such compensation, for the duties enjoined on him in the preceding section, as the Governor for the time being, may deem just and reasonable, to be paid out of the contingent fund. Allowance to the secretary.

SEC. 3. *And be it further enacted,* That it shall be the further duty of the said secretary, to make the necessary marginal notes, and an index to the said acts and resolutions, and to superintend the printing thereof; for which he shall also be allowed such compensation as his excellency the Governor may deem reasonable; to be paid out of the contingent fund, on the order of the said Governor. Further duty of the secretary.

This act to take effect, and be in force from and after the passage thereof.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 16, 1822.

WILLIAM HENDRICKS.

CHAPTER II.

AN ACT to legalize the proceedings of the board of county commissioners of Decatur county.

Be it enacted by the General Assembly of the state of Indiana, That the proceedings of the board of county commissioners of Decatur county, at their session, on the second Monday in August, eighteen hundred and twenty two, be and the same are hereby legalized, and declared to be as valid, as though the said board of county commissioners, had met on the day prescribed by law.

Proceed-
ings of the
board lega-
lized.

This act to be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 16, 1822.

WILLIAM HENDRICKS.

CHAPTER III.

AN ACT to repeal an act, entitled "an act to authorize called sessions of the circuit courts, within this state, for the purposes therein named"—approved, January 2, 1822.

Be it enacted by the General Assembly of the state of Indiana, That the act entitled "an act

to authorize called sessions of the circuit courts, within this state, for the purposes therein named"—approved, January the second eighteen hundred and twenty two, be and the same is hereby repealed.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 16, 1822.

WILLIAM HENDRICKS.

CHAPTER IV.

AN ACT on the subject of impeachments.

Be it enacted by the General Assembly of the state of Indiana, That an act to amend the act, directing the mode of proceeding in impeachments—approved, January 21, 1818, passed at the last session, and approved January 3, 1822, be and the same is hereby repealed.

This act to take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 16, 1822.

WILLIAM HENDRICKS.

CHAPTER V.

AN ACT to amend an act, entitled "an act for the formation of a new county, out of Owen and Vigo counties, and north of Owen"—approved, December 31, 1821, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the following*

Boundaries of the county of Putnam. boundaries, to wit: beginning in the centre of town twelve north, on the range line dividing ranges six and seven west, thence east twenty four miles, to the line dividing ranges two and three, thence north with said line, twenty seven miles to the line dividing townships sixteen and seventeen, thence west with said line twenty four miles, to the line dividing ranges six and seven, thence south twenty seven miles, to the place of beginning, shall constitute and form the boundaries of the county of Putnam; and that the first section of the act to which this is an amendment be, and the same is hereby repealed.

Part of Putnam attached to Owen. SEC. 2. That all that part of the present county of Putnam, contained within the following boundary, to wit: beginning in the centre of town twelve north, on the line dividing ranges six and seven west, thence east twelve miles to the line dividing ranges four and five, thence south nine miles to the line dividing towns ten and eleven, thence west twelve miles with said line, to the line dividing ranges, six and seven, thence north nine miles, to the place of beginning, shall be attached to, constitute, and form a part of the county of Owen, and that all that part of the county of Putnam, by the act, to which this is an amendment, and which is not included within the boundaries of said Putnam county, as designated by this act, be and the same is hereby attached to, and shall hereafter constitute and form a part of the said county of Vigo.

Suits prosecuted in the same manner as if this act had not passed. SEC. 3. That all suits, pleas, complaints, actions and proceedings, which may have been commenced, instituted and pending within the said county of Putnam, previous to the taking effect of this act, shall be prosecuted, and carried on to final effect in the same manner as if this act had not been passed. And the state and county tax which may be due, in that part of the county of Putnam, by this act, attached to the counties of

Owen and Vigo, shall be collected and paid in the same manner, and by the same officers, as if this act had not been passed.

SEC. 4. This act to take effect, and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 21, 1822.

WILLIAM HENDRICKS.

CHAPTER VI.

AN ACT for the formation of a new county, out of the county of Wabash, and for establishing the county seat thereof.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That from and after the first day of March next, all that part of the county of Wabash contained within the following boundaries, to wit: beginning on the range line dividing six and seven, west of the second principal meridian, where the line dividing towns sixteen and seventeen crosses the same, thence north to the line dividing twenty and twenty one, thence east to the line dividing range two and three, thence south to the line dividing towns sixteen and seventeen, thence west to the place of beginning, shall form and constitute a new county, to be known and designated by the name of Montgomery. Boundaries of the county of Montgomery.

SEC. 2. The county seat for the county of Montgomery shall be established at Crawfordsville, on the south west quarter of section thirty two, in town nineteen north, and range four west; provided that the proprietor or owner of said town or quarter section, shall comply with the following conditions, to wit; that he shall lay off into town lots in said quarter section, eighty Crawfordsville the seat of justice, on condition.

acres; and on or before the twentieth day of March next, execute a bond to the county commissioners, binding himself to convey by general warranty deed, to the said commissioners, and their successors in office, one equal half of said lots, to be sold and conveyed by said commissioners, for the use and benefit of said county; the commissioners and proprietor taking choice about, beginning at the lowest number, and ascending until the whole number shall be divided; and he shall further bind himself to convey to said commissioners, one suitable lot without the limits of the town plat, for a burying ground, one lot for the purpose of erecting a school house thereon; four other lots which are to be disposed of by the commissioners, in the following manner, to wit: any religious society erecting a house for public worship, of a description to be agreed on by the commissioners, shall be entitled to a lot, the first applying and building, to have first choice; provided however, that the proprietor shall defray all expenses attending the laying out of said lots.

SEC. 3. In case of failure on the part of the proprietor to comply with the before mentioned conditions, the county commissioners shall proceed to appoint three commissioners, disinterested men, living out of the county, who shall meet at the House of William Miller in Crawfordsville, on the first Monday in May next; and shall then and there proceed to select a suitable site for the seat of justice of the county, as prescribed by the law, providing for the establishing of county seats.

SEC. 4. On the first Saturday of March next, the qualified voters of said county shall meet at Crawfordsville, and elect three county commissioners, who shall in all respects be governed by the law regulating the duties of the board of county commissioners; and at the annual election on the first Monday of August next, they shall e-

Manner of
laying out
town.

Certain do-
nations.

Condition
thereof.

County com-
missioners
may appoint
commis-
sioners to
establish
the seat of
justice.

Commis-
sioners.

Associate
judges,
clerks, &c.
when elect-
ed.

lect two associate judges, one clerk, one recorder, one sheriff and one coroner for said county.

SEC. 5. The agent who shall be appointed to superintend the sales of lots at the county seat of Montgomery county, shall reserve ten per centum out of the proceeds of the sales made, and pay over the same to such person or persons, as may be appointed by law to receive said sum, for the use of a county Library, for the said county of Montgomery; which he shall pay over at such time or times, and places, as may be directed by law.

SEC. 6. The same power, privileges, and authorities, that are granted to the qualified voters of the county of Dubois, and others named in the act, entitled "an act, incorporating a county library in the counties therein named,"—approved, January 28, 1818, to organize, conduct and support a county library, are hereby granted to the qualified voters of the county of Montgomery; and the same power and authority, therein granted to, and the same duties therein required, of the several officers, and person or persons elected, by the qualified voters of Dubois county, and other counties in the said act named, for the carrying into effect, the provisions of the act, entitled "an act, incorporating a county library in the county of Dubois, and other counties therein named, according to the true intent and meaning thereof, are hereby extended to, and required of the officers and other persons elected, by the qualified voters of eth county of Montgomery.

SEC. 7. Any officer authorized in an adjoining county to administer oaths, is hereby authorized to administer the necessary oaths to the sheriff, who may be elected in Montgomery county, under the provisions of this act, and the said sheriff shall be authorized to administer the necessary oaths to all other officers.

Agent shall
receive ten
per cent.

County li-
brary, how
incorporat-
ed.

By whom
oath of of-
fice shall be
administer-
ed.

SEC. 8. This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 21, 1822.

WILLIAM HENDRICKS.

CHAPTER VII.

AN ACT for the re-location of the seat of justice of Union county.

Preamble. WHEREAS it appears to this General Assembly, that a large majority of the inhabitants of Union county, are dissatisfied with the present location of the seat of justice for said county, at Brownsville, wherefore, for remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James Butler of the county of Fayette, John Odle, of the county of Randolph, Noah Noble of the county of Franklin, Richard Tyner of the county of Shelby, and John Winchall of the county of Jennings be, and they are hereby appointed commissioners, to re-locate the permanent seat of justice for the said county of Union; who shall meet at the house of John Hanna, near Dunlapville, in the said county of Union, on the first Monday in March next, (of which time and place of meeting, they shall be duly notified by the sheriff of said Union county,) who, or a majority of them, having so met, and being duly qualified according to law, shall proceed to re-locate the seat of justice for said county of Union; in which they shall be governed in all respects, by the provisions of the laws, providing for the location of the seats of justice in new counties.

SEC. 2. That in case the commissioners afore-

said, should change the seat of justice of said county, from the town of Brownsville, to any other place in said county, then and in that case, the county commissioners of said county, shall re-convey, to the person or persons, who may have given lots or lands, for the establishment of the seat of justice at said town, their heirs, or other legal representatives, the said lots or lands; and also where any person or persons may have advanced money for the same purpose, the said county commissioners, shall cause the same to be refunded to him, her or them, out of the treasury of said county, by their order for that purpose.

SEC. 3. The circuit court, and all other courts, of the said county of Union, shall meet and be holden at the House of Simon Yandes, until suitable accommodations can be had, at the seat of justice of said county, and so soon as the circuit court of said county, are satisfied of that fact, they shall adjourn thereto; after which time, all the courts of said county, shall meet and be holden at the seat of justice of said county, established by law: Provided however, that the circuit court of said county shall have authority to remove their courts from the house of the said Simon Yandes, to any other place in said county, previous to the completion of the public buildings at the seat of justice of said county, should they deem the same expedient.

SEC. 4. The agent who shall be appointed to superintend the sales of lots, at the county seat of the county of Union, or receive donations, shall reserve ten per cent. of the proceeds thereof, and pay the same over, to such person or persons as may be appointed by law, to receive the same, for the use of a county library for the county of Union; which he shall pay over, at

such time or times, and place as may be directed by law.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.
Approved—December 21, 1822.
WILLIAM HENDRICKS.

CHAPTER VIII.

AN ACT for the relief of Benjamin Olney and Rachel Simpson.

Preamble. WHEREAS Benjamin Olney of Knox county, paid to the collector of the state revenue in said county, the sum of sixty one dollars, as the tax on certain lands, which had been paid previously by the legal owner thereof, thus making a double tax on said lands, and which have been paid into the state treasury; and whereas Patrick Simpson, the husband of the said Rachel, listed and paid the revenue on certain lands, in the said county, by their proper numbers, but owing to the mistake of the lister, the same lands were listed, and sold as the property of a non-resident, and thus a double tax on said lands was paid into the state treasury; which lands the said Rachel as the widow of the said Patrick Simpson, has since been obliged to redeem, by the payment of an additional sum in per centum, for remedy whereof:

Appropriations to petitioners. *Be it enacted by the General Assembly of the state of Indiana,* That the auditor of public accounts be, and he is hereby directed to audit, and the treasurer of state, to pay out of any monies in the treasury, to the said Benjamin Olney, the sum of sixty one dollars, and to the said Rachel Simpson the sum of fifteen dollars.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.
Approved—December 21, 1822.
WILLIAM HENDRICKS.

CHAPTER IX.

AN ACT to repeal part of an act, entitled "an act, amending and confirming an act, regulating the fees of the several officers and persons therein named."

Be it enacted by the General Assembly of the state of Indiana, That the second and third sections of an act—approved, January the 3d 1822, amending and confirming an act, entitled "an act, regulating the fees of the several officers and persons therein named"—approved, January 21, 1818, shall be, and the same are hereby repealed.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.
Approved—December 21, 1822.
WILLIAM HENDRICKS.

CHAPTER X.

AN ACT to authorize the agent of the county of Fayette to sell certain public ground in the town of Connersville, in the said county of Fayette.

WHEREAS it hath been represented to this General Assembly, that doubts do exist as to the

Preamble. power of the agent, of the county of Fayette, to sell and convey a certain square of ground, lying in the town of Connersville, commonly called the Old Public Square, and which had been recorded as a Public Square, in the recorder's office of the county of Franklin by John Conner, for remedy whereof:

County agent authorized to sell and convey "old public square in Connersville."

Be it enacted by the General Assembly of the state of Indiana, That the agent for the county of Fayette, be and he is hereby authorized to expose to public sale, under the directions of the board of county commissioners for said county, a certain tract or parcel of land, lying in the town of Connersville, in the county of Fayette, commonly called the Old Public Square, but more particularly described as follows, to wit: beginning at the north east corner of Main and Madison streets, in that part of said town originally laid out by John Conner, thence eastwardly with Madison street, to an alley, thence northwardly with said alley to Harrison street, thence westwardly with Harrison street, to Main street, thence on main street to the place of beginning; containing four lots of ground, according to the plat of said town, and make and execute a deed, or deeds of conveyance, to the purchaser or purchasers for the said lots of ground, as may be directed by the said board of county commissioners, in the same manner, as in cases of donations for the purpose of erecting public buildings, and such conveyance shall be legal, to all intents and purposes: Provided that the said agent shall reserve ten per centum thereon, for the use of the county library.

Reservation of ten per cent.

This act to take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 26, 1822.

WILLIAM HENDRICKS.

CHAPTER XI.

AN ACT amendatory to an act, to amend an act, entitled an act, to license and regulate Taverns.

WHEREAS great inconvenience has arisen from an error which appears in the title of the act, entitled an act, to amend an act, entitled "an Preamble act to license and regulate Taverns—approved, January 5, 1821, the figures 1820, having been inserted in the printed copy of said act, when it is apparent, that instead thereof, the figures 1818, should have been inserted; for remedy whereof:

Be it enacted by the General Assembly of the state of Indiana, That the figures 1820, in the 1818 substituted for 1820. title of said act, be construed to mean 1818, and that the said act be deemed and taken to be as valid to all intents and purposes, as if it had been originally so published.

This act to take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 26, 1822.

WILLIAM HENDRICKS.

CHAPTER XII.

AN ACT authorizing John Conner to erect a mill dam across White River, at the Horse Shoe Bend.

Be it enacted by the General Assembly of the state of Indiana, That John Conner, his heirs Conner and assigns, be and they are hereby authorized representatives authorized to erect a mill dam across White River, at the Horse Shoe Bend, opposite the north half of rect grist & section twelve, in township eighteen, range four saw mills.

east, in the district of lands sold at Brookville; for the purpose of erecting grist and saw mills, under the restrictions hereinafter mentioned.

Proceed-
ings, to as-
certain the
damage,
that adjoin-
ing proprie-
tors may
sustain.

SEC. 2. Before such mill dam shall be erected, the said John Conner, his heirs or assigns, shall make application to some justice of the peace of the proper township, wherein the lands proposed for the abutment, and to shut such dam against are; if any justice reside in such township, if not, then to some other justice in the county; and having given ten days previous notice of such application, to the proprietor or proprietors thereof, if such proprietor or proprietors, reside in said county; but if said proprietor or proprietors do not reside in said county, then by putting up at least three manuscript advertisements, at the most public places in said county; one of which shall be at the place where courts are usually holden; which justice of the peace, shall thereupon issue a writ under his hand and seal, directed to any constable of his township, commanding him forthwith to summon five freeholders of his county, to meet and be before such justice of the peace, on a day certain, to be named by such justice, and inserted in said writ; who having met, shall be sworn by said justice, impartially, and to the best of their skill and judgment, to view the said land, opposite the said north half of section twelve, in township eighteen, range four east, on which the said mill dam is proposed to shut, and to locate and circumscribe, by certain metes and bounds, one acre thereof, having due regard to the interest of both parties; and to appraise the same according to its true value; to examine the lands above and below, of the property of others, which may probably overflow, and say, to what damage it will be of, to the several proprietors thereof.

SEC. 3. It shall be the duty of said justice of the peace, to make out the inquest, and valuation as aforesaid, for the jurors aforesaid, who shall

sign and seal such inquisition, and file the same with said justice; and thereupon, the justice of the peace shall spread the whole proceedings on his docket, and make out a certified transcript of the same, and file it with the clerk of the circuit court, within ten days next afterwards.

SEC. 4. The said mill dam shall not be erected, until the said John Conner, his heirs or assigns, shall pay to the proprietor or proprietors of such lands, entitled respectively, the value of the acre located; and the damages which the jurors have so found, will be done by the overflowing the land, above and below said dam; together with all the costs accruing on such inquest; whereupon the said John Conner, his heirs and assigns, shall become seized in fee simple of said acre of land; but if he, or they, shall not within one year then next afterwards, begin to build the said mill, and finish the same in three years, or in case the said mill or dam be destroyed, if he or they, shall not begin to rebuild the same, in one year after such destruction, and finish the same, within three years, the said acre of land, shall revert to the former proprietor and his heirs.

SEC. 5. The said John Conner, his heirs or assigns, shall not raise said dam, so as to elevate the water more than three feet above its common level, at a usual stage; and shall erect a good and sufficient slope in said dam, at least twenty five feet wide, and thirty six feet long, to let boats pass said dam, at a common stage of water; and shall constantly keep the same in good repair.

SEC. 6. If any person or persons shall be injured in the navigation of said river, by means of the erecting of said dam, and the insufficiency or bad repair of such slope, the said John Conner, his heirs and assigns, shall be liable in damages for such injury: Provided that the inquisition of the jurors aforesaid, shall not bar any

Verdict of
damages
where to be
deposited.

Damages to
be paid pre-
vious to the
erection of
the dam.

Within
what time
said mill
shall be
built.

Otherwise
the land lo-
cated, to re-
vert to the
former pro-
prietors.

Height of
dam and
slope there-
of.

Liability for
injuries sus-
tained by
individuals.

Proviso.

prosecution, or action, which any person or persons would have had in law, had this act never been made, other than for such injuries as were actually investigated, and estimated by said jury.

Allowance
to officers
engaged in
ascertain-
ing dama-
ges.

Proviso.

SEC. 7. The said justice of the peace shall be allowed for his fees, two dollars; the constable serving said writ, shall be entitled to receive for such service fifty cents, with mileage as in other cases; and each juror shall be entitled to fifty cents per day, for each day he may be necessarily engaged in the taking of such inquisition, to be taxed up in the costs by such justice, and paid as aforesaid; Provided that nothing in this act shall be so construed, as to prevent any proprietor as aforesaid, from setting aside such inquisition, by shewing fraud or corruption in such jurors, within six months next afterwards.

This act to be in force and take effect, from and after its passage.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—December 26, 1822.

WILLIAM HENDRICKS.

CHAPTER XIII.

AN ACT to provide for the election of certain officers therein named.

Writ of election shall issue to elect associate judge, clerk and recorder.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter when the office of the clerk of the circuit court, recorder or associate judge, shall become vacant by death, resignation, removal from office, or by refusal to qualify, it shall be the duty of the Governor, on being informed thereof, to issue a writ of election, directed to the person acting as sheriff of the county where such vacancy shall have happened; commanding him to cause an e-

lection to be held in the several townships, in the proper county, by giving twenty days notice in writing; and the inspectors, or one of the judges of each township, shall meet at the place of Election holding courts in the county, on the third day after the election; Provided it should not be on Sunday, and in such case, on the next succeeding Monday; and compare the several election returns in presence of the clerk of the circuit court, who shall make out a certificate under his hand and seal, of the person duly elected, which he shall seal up and transmit to the secretary of state.

SEC. 2. Should there be neither sheriff nor coroner in any such county, it shall be the duty of the clerk of the circuit court of such county, to give the notice required of the sheriff in the first section of this act; and in cases where there shall be a vacancy, or in the absence of the clerk of the circuit court, it shall be the duty of the inspectors or judges of election, to make out a certificate, in favor of the person or persons duly elected, and direct the same to the secretary of state, whereupon he shall issue a commission accordingly.

SEC. 3. Hereafter when the office of sheriff or coroner of any county, shall become vacant, by death, resignation, removal from office, or refusal to qualify, it shall be the duty of the Governor for the time being, to appoint and commission some suitable person, resident of the county, to fill such vacancy, until the next ensuing general election, and until a successor be duly elected and qualified into office.

SEC. 4. *And be it further enacted,* That hereafter when the term of service of any of the clerks of the circuit courts, recorder or associate judge, shall be about to expire, that a poll shall be opened in each township in the county, on the first Monday in August, next preceding the expiration of his or their term of service, the re-

order shall be holden generally. turn of which shall in all respects be governed by the law regulating general elections: Provided that this act shall not be so construed, as to authorize any person, who may be returned duly elected and commissioned as clerk of any of the circuit courts, recorder or associate judge, to enter on the duties of his office, until the constitutional term for which his predecessor may have been commissioned, shall have expired.

SEC. 5. Should any clerk of the circuit court, hereafter, fail to make the return of the votes given for a representative to the Congress of the United States, or for Governor, and lieutenant Governor, as prescribed by the constitution of this state, such clerk so failing to perform that duty, shall be liable to be removed from office by impeachment, and fined in the circuit court by indictment, in any sum, not exceeding five hundred dollars, to be assessed as other fines are.

SEC. 6. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XIV.

AN ACT giving further privileges to the freemen of the town of Lawrenceburgh, in the county of Dearborn.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the freemen of the town of Lawrenceburgh, at their annual meeting, on the first Monday of April in each year, shall*

have the power and privilege, by ballot, to elect five freeholders of said town, to serve for one year, and until their successors are chosen and qualified, as a select council for said town. The free-men of Lawrenceburgh may elect a council.

SEC. 2. *And be it further enacted, That the president and recorder of said town, and the said select council, shall have the power of meeting and adjourning, to any time and place, in said town, and when so met, a majority of them shall have the same power of doing, and transacting all the business, and of passing all such ordinances, by-laws, and regulations, as the freemen of said town now have, by the several laws now in force in this state, and also of passing all such laws as the said president, recorder, and select council may deem necessary, for the well being, safety, and convenience of said town; and of enforcing the same, under such fines, penalties and forfeitures, as they may think proper: Provided such ordinances, by-laws, and regulations, shall in no wise contravene the laws of this state, or of the United States.*

SEC. 3. *And be it further enacted, That the appointment of a select council, by the freemen of said town, and the acts and proceedings of said council, heretofore appointed, be and the same are hereby legalized, to all intents and purposes, whatever, so far as the same, are consistent with the laws and constitution of this state, and of the United States.* The appointment heretofore of a select council and their proceedings, legalized.

SEC. 4. This act shall take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XV.

AN ACT for the formation of a new county out of the county of Delaware.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first Monday of May next, all that part of the county of Delaware contained in the following boundaries, to wit; beginning at the south west corner of section thirty four, in town eleven, north of range five east, the same being the south west corner of Shelby county: thence running north with the line of said county, to the south east corner of Marion county; thence west to the north east corner of Morgan county; thence south with the line of said county, to the township line dividing townships ten and eleven; thence east with said line to the place of beginning, shall constitute and form a new county, which shall be called, and designated by the name of Johnson.

Boundaries of the county of Johnson.

Commissioners appointed to locate the seat of justice.

When they shall meet.

SEC. 2. That John Parr of the county of Washington, Adam Miller of the county of Jackson, John W. Lee of the county of Monroe, James Gregory of the county of Shelby, and Archibald M'Ewing of the county of Bartholomew, be, and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice for said county, agreeably to the provisions of an act, entitled "an act for the fixing seats of justice in all new counties hereafter to be laid off. The commissioners above named, or a majority of them, shall meet at the house of John Smiley in said new county, on the first Monday in May next, and then proceed to the discharge of the duties assigned them by law.

SEC. 3. That the said county of Johnson shall enjoy all the rights, privileges, and jurisdictions, which to a separate county, do or may properly belong.

SEC. 4. It shall be the duty of the sheriff of

Bartholomew county to notify the commissioners above named, either in person, or by written notice, of their said appointment; and the county commissioners of the county of Johnson, shall allow him such compensation therefor, as they shall deem just and reasonable, to be paid out of the county treasury of said county.

Sheriff of Bartholomew, to notify commissioners.

SEC. 5. The circuit courts and all other courts of the said county of Johnson, shall meet and be holden at the house of John Smiley, or at any other place the said court shall adjourn to; until suitable accommodations can be provided, at the permanent seat of justice of said county; and so soon as the said courts are satisfied of that fact, they shall adjourn thereto; after which, they shall meet and be permanently held at such seat of justice.

Courts where to be holden.

SEC. 6. The agent who shall be appointed to superintend the sales of lots at the said seat of justice, shall reserve ten per centum out of the proceeds thereof, and also of all donations made to said county; which he shall pay over to such person or persons, as may be appointed by law, to receive the same, for the use of a library for said county.

Ten per cent to be reserved for county library.

SEC. 7. The board of county commissioners of the said county of Johnson, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

Public buildings when to be erected.

SEC. 8. The same powers, privileges and authorities, that are granted to the qualified voters of the county of Dubois, and other counties named in the act, entitled "an act, incorporating a county library in the counties therein named"—approved, January 28, 1818, to organize, conduct and support a county library; are hereby granted to the qualified voters of the county of Johnson; and the same power and authority, therein granted to, and the same duties therein required of the several officers, and the person

Organization of a county library.

or persons elected, by the qualified voters of Dubois county, and other counties in the said act named, for carrying into effect the provisions of the act, entitled "an act, incorporating a county library in the county of Dubois, and other counties therein named," according to the true intent and meaning thereof, are hereby extended to, and required of the officers and other persons elected by the qualified voters of the county of Johnson.

SEC. 9. This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS

CHAPTER XVI.

AN ACT appointing commissioners, to lay out a state road from Lawrenceburgh, through Rising Sun and Vevay, to Madison.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Abel C. Pepper, Thomas Armstrong, and David McCoy or any two of them, are hereby appointed commissioners to view, mark, and lay out a state road from Lawrenceburgh, through Rising Sun and Vevay to Madison; which said commissioners, after being duly sworn to the faithful discharge of the duties of their appointment, shall meet at such time and place, as they think proper; and proceed to perform the duties aforesaid, and make a correct report of their proceedings to the clerks' offices of the counties in which the said road may be, and the same shall be recorded with the proceedings of the county commissioners of said counties.

Commissioners appointed.

Proceedings thereof where recorded.

SEC. 2. Said road when laid out as aforesaid, shall be opened not exceeding forty feet width, and worked as other roads are, by the supervisors of the proper districts, and the same shall remain permanent, and not liable to be changed, but by legislative authority.

SEC. 3. The said commissioners shall receive a suitable allowance for their services, to be paid out of their respective county treasuries; which allowance shall bear a just proportion, to the distance the road runs through their respective counties.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS:

CHAPTER XVII.

AN ACT providing for the revision and compilation of the statute laws of this state.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the General Revisor Assembly, shall by joint ballot of both Houses, at this present session, elect a suitable person for the purpose of revising and compiling the statute laws of this state.

SEC. 2. The person appointed in manner aforesaid, shall have full power to revise and compile, all the statute laws of this state, which are now in force, or may be enacted by the present General Assembly, so as to bring all the acts and parts of acts, in force on the same subject, into one consistent act, not changing the substance of said acts; also to abridge and bring into view in said revision, all the statutes of England made in aid of the common law, and law.

not local to that kingdom; which are applicable to the situation of the state, and now in force by existing laws—the whole to be in one consistent code.

When submitted to General Assembly.

SEC. 3. The aforesaid code of laws shall be submitted to the next General Assembly by such revisor, on the third day of their next session.

Compensation to the revisor.

SEC. 4. The person who shall be appointed as aforesaid, shall receive for his services such compensation, as the next General Assembly may think just, to be paid him out of the state treasury; two hundred dollars of which shall be paid in advance, and the residue, when he shall present to the next General Assembly, the code of laws which he shall have prepared, pursuant to the second section of this act.

SEC. 5. That an act, entitled "an act, establishing a permanent system of statute laws in this state"—approved, December 17, 1821, be and the same is hereby repealed.

This act shall take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XVIII.

AN ACT legalizing the proceedings of the board of county commissioners of Knox county.

Be it enacted by the General Assembly of the state of Indiana, That the meeting and proceedings of the board of county commissioners of Knox county, holden at Vincennes, on the first Monday of December one thousand eight hundred and twenty two, be and the same is hereby legalized to all intents and purposes.

This act shall take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XIX.

AN ACT attaching part of the county of Jackson to the county of Lawrence.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after Part of the the first day of January next, all that part of the county of Jackson, included within the following boundaries, to wit: beginning at the north Jackson attached to the county of Lawrence. west corner of section number sixteen, in range of Lawrence. two east, in town five north; thence east two miles, to the north east corner of section number fifteen; thence south to the Driftwood Fork of White river; thence down said river to the line which at present divides the counties of Jackson and Lawrence; be and the same is hereby attached to the county of Lawrence; and shall after the date above mentioned, be deemed and taken to all intents and purposes, to form and constitute a part of the said county of Lawrence; Provided however, that all suits, pleas, complaints and proceedings, which shall have been commenced, further prosecution of suit. ed, and pending within the said county of Jackson, previous to the said first day of January next, shall be prosecuted to final effect, in the same manner, as if this act had not been passed; Provided moreover, that the state and county taxes, which may be due on the said first day of January next, shall be collected and paid in the same manner, as if this taxes. act had not been passed.

This act to be in force, from and after the first day of January, eighteen hundred and twenty three.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XX.

AN ACT giving the citizens of Indianapolis, a public burying ground.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That, that lot of ground known by the citizens of Indianapolis, by the name of the Grave Yard, and at present made use of as such, be and the same is hereby appropriated as a public burying ground, and shall contain four acres.*

SEC. 2. The county surveyor is hereby directed to survey, and lay off the same, either in a square, or in a parallelogram, as may best suit the situation of the ground.

This act shall be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XXI.

AN ACT providing for the election of president and trustees for the Monroe county library.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the qualified*

voters of Monroe county, are hereby authorized to assemble themselves at the court house in Bloomington, on the first Monday of June next, and shall proceed to elect a president and seven trustees, to conduct the concerns of the said library, until an election can be holden under the provisions of an act, incorporating a county library in the county of Dubois, and other counties therein named—approved, January the 28th 1818; and the president and trustees, elected as aforesaid, shall continue in office until their successors are duly elected and qualified.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS.

CHAPTER XXII.

AN ACT for the relief of Reuben H. Murray and Robert Gray.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the treasurer of state be authorized and required to pay to Reuben H. Murray and Robert Gray, the balance due them on the three thousand dollars, heretofore allowed by an act passed the ninth day of January, one thousand eight hundred and twenty one, for the purpose of building a state prison at Jeffersonville, out of any monies in the treasury not otherwise appropriated.*

SEC. 2. That the said Reuben H. Murray and Robert Gray, be and they are hereby allowed the legal interest on the said three thousand dollars, from the first day of January, one thousand eight hundred and twenty two, until the same shall be paid: and the auditor shall audit, and

the treasurer is hereby authorized to pay the same, out of any monies in the treasury, not otherwise appropriated.

This act to take effect, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31, 1822.

WILLIAM HENDRICKS

CHAPTER XXIII.

AN ACT for the relief of securities of persons charged with criminal offences.

Be it enacted by the General Assembly of the state of Indiana, That in all cases of surety for the appearance of persons charged with criminal offences before any court, the security or securities of such person, may at any time before judgment is rendered upon the scire facias, to shew cause why execution should not issue, seize and surrender him to the sheriff of the county, wherein the recognizance shall be taken, and it shall be the duty of such sheriff on such surrender, and on the delivery to him of a certified copy of the recognizance, by which such security or securities are bound, to take such person into custody, and by writing acknowledge the surrender aforesaid, and thereupon the said security or securities shall be acquitted and discharged of such recognizance.

Securities of persons charged with criminal offences may seize and surrender them to the sheriff.

Sheriffs' duty.

Securities released.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS

CHAPTER XXIV.

AN ACT changing a part of the state road located from Mauk's Ferry to Indianapolis, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Robert Weathers, Henry Boas, and Thomas Kindell of Jackson county, are hereby appointed commissioners to re-locate a part of the state road, leading from Mauk's Ferry to Indianapolis. The commissioners aforesaid shall meet in Browns-town on the first Monday in February next, or on some subsequent day, and after being duly sworn, faithfully and impartially to discharge the duties enjoined on them by this act, shall employ a surveyor, and chainmen, and shall then proceed to survey and mark a road, beginning at the south end of the Main street in Brownstown, from thence to Vallonia, and from thence to where the state road, leading from Mauk's Ferry to Indianapolis, crosses Muscatatack; and the commissioners aforesaid, shall cause the road to be run the nearest and best way, and on the best ground that can be had.

When and where they shall meet.

May employ a surveyor and chainmen.

Direction of the road.

SEC. 2. They shall cause two plats to be made of the road located by them under the provisions of this act, one of which shall be transmitted to the president of the board of commissioners appointed to locate a road from Mauk's Ferry to Indianapolis; and one plat shall be deposited in the clerk's office, in the county of Jackson, and it shall be the duty of the clerk to record the same. The plats aforesaid shall be certified by the surveyor, and attested by the commissioners.

They shall make out two plats of said road.

SEC. 3. The road located and recorded as aforesaid, shall be established to all intents and purposes, as completely, as if it had been located by the commissioners appointed by the act, entitled "an act, authorizing the laying off car-

The road thus laid out established.

A part of
said road
vacated.

tain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called, the three per cent. fund, for opening the same," to locate and mark a state road from Mauk's Ferry to Indianapolis; and so much of the last mentioned road as lies between Muscatatack and Brownstown, is hereby vacated.

Re-located
road to be
received by
old commis-
sioners, if
the contrac-
tors for o-
pening the
road, shall
comply with
their propo-
sitions.

SEC. 4. And whereas Charles Crabb, esq., of Jackson county, and Jesse Stanley of Washington county, have contracted to open that part of the road vacated by this act, but willing to promote the public good, the said Charles Crabb, and Jesse Stanley, have certified to this General Assembly, that if the road should be changed, as is provided for in this act, they the said Charles and Jesse obligate themselves to fulfil their several contracts on the road so changed; wherefore, be it further enacted, that if the aforesaid Charles Crabb, and Jesse Stanley, shall well and truly comply, with their respective contracts, by opening the same distance of the road so changed, and make it equally as good, as by contract they were severally bound to make that part of the road vacated by this act, then it shall be the duty of the commissioners appointed by an act of the last General Assembly, to locate a road from Mauk's Ferry to Indianapolis, to receive the said road as changed by this act, in the same manner, as they would have received that part of the road, declared to be vacated by the provisions herein before mentioned.

Part of the
state road
near Flem-
ings to Rich-
mond,
thence to
Indianapo-
lis, vacated

SEC. 5. And whereas it has been represented to this General Assembly, that the commissioners appointed by an act of the last General Assembly, to lay off a road from the line dividing the state of Ohio, from this state, near Peter Fleming's to Richmond, and from thence to Indianapolis, did run said road from the place of beginning, in the following manner, to wit: beginning a few rods south of a point, where the county road intersects the line dividing the state

of Ohio from this state, and after running seventy or eighty rods, did then intersect the aforesaid county road, continuing said state road on said county road, to a point, one half mile from the place of beginning; and then left the same, and running parallel with said county road three miles, again intersected the same, to the great injury of individual property; for remedy whereof, be it further enacted, that so much of the county road aforesaid, as lies between the points of intersection, is hereby made a part of the state road, located by the commissioners, appointed by the act of the last General Assembly—approved and signed, the 31st day of December, 1821; and so much of the state road, located by the last mentioned commissioners, as lies between the points of intersection before described, be and the same is hereby vacated.

SEC. 6. That so much of the state road, leading from Mount Prospect, to Petersburg, as lies within the following bounds, be and the same is hereby changed in the manner following, to wit: beginning between the seventh and eighth mile post, and twelve chains and fifty links from the latter, thence north forty two degrees, east seventy two chains, and fifty links, thence north eighty three degrees, east twenty two chains to the state road, one chain and twenty five links from the ninth mile post.

State road
from Mount
Prospect to
Peters-
burgh,
changed in
part.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 3, 1823.

WILLIAM HENDRICKS.

CHAPTER XXV.

AN ACT to provide for the altering of state roads, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That if any person

Persons aggrieved may petition the circuit court. or persons shall think himself, herself or themselves aggrieved, by the laying out of any state road, through his, her or their land, he, she or they, may petition the circuit court of the county, through which such road shall be laid out; which petition the clerk of the said court, shall enter on the docket thereof, in the same manner all other petitions are entered; upon which it is here-

Court shall appoint commissioners to assess damages. by made the duty of the said court, to appoint three disinterested freeholders, of the county, as commissioners to view and examine that part of said road, as set forth and described in the said petition; whose duty it shall be to assess the damages, if in their opinion any have accrued, to the said petitioner or petitioners, which they shall certify to the next term of said circuit court, after such view shall have been made; and if approved by such court, the clerk there-

If approved commissioners shall give a draft on the agent of, shall certify the amount of such assessment, to the commissioners, who may have the appropriation of the three per cent. fund upon said road; and the said commissioners are hereby directed to give such person or persons, so entitled to such damages, a draft upon the agent of the three per cent. fund, for the amount thereof, to be paid out of any monies appropriated for such road; Provided however, that the said

Proviso that the petitioner shall pay costs. Proviso, clerk's shall certify costs. clerk shall not give such certificate as aforesaid, unless the person entitled thereto, shall pay all costs that may have accrued upon said petition: Provided also, that it shall be the duty of such clerk, to certify to said commissioners, the amount of such costs, which shall be paid by the agent of the said three per cent. fund, in the same manner, as is directed by this act, for the payment of the aforesaid damages: Provided in all cases,

Proviso that the petition be made in 12 months. that the damages aforesaid, shall be applied for, within twelve months from the taking effect of this act, and not afterwards.

SEC. 2. If any person or persons, shall be desirous to have any change or alteration in any

state road, when such road shall pass through the lands of such person, he, she or they may petition the circuit court of the county, where the said road may be, in the same manner as is provided for in the foregoing section of this act; and the said court shall in like manner appoint commissioners to view such road; who after such view shall be had, may make such alterations therein, as to them may seem proper; when it can be done without materially increasing the distance, or placing the said road on worse ground; which alterations, the said commissioners shall cause to be recorded, in the same office, where the original view of said road may be recorded; after which, said road shall be opened agreeably to said report; and that part of such road so altered, shall hereafter be wholly vacated, and set over to the owner of the land, through which the same may pass: Provided, that previous to any such alteration being made, the said petitioner or petitioners, shall pay or cause to be paid, all the expense which may have accrued, on such petition and view; and the said alteration shall not take effect, nor the old road in any way be obstructed, until the said commissioners shall upon a second view, report to the court, that, that part of said road, which may have been altered, has been made equally as good in every respect, as such old road, by the said petitioner or petitioners. Proceed- ings on petition for change of road.

Proviso, petitioner shall pay costs. Commis- sioners shall take oath. SEC. 3. The commissioners appointed agreeably to this act, before they enter upon the several duties hereby enjoined on them, shall take an oath or affirmation, faithfully and impartially to discharge the same; and shall in every respect take into consideration, the advantages and disadvantages that will result, to such petitioner or petitioners, in consequence of such road passing through his, her or their lands. The provisions of this act, shall extend to all roads which may have been, or hereafter may be laid out by the act, shall

extend to
all three
per cent.
fund roads.

authority of this state, on which any part of the three per cent fund may be appropriated.

Allowance
to commis-
sioners.

SEC. 4. *And be it further enacted*, That the commissioners appointed by an act of the last General Assembly, entitled "an act, authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called the three per cent. fund, for opening the same"—approved, December 31, 1821, shall be allowed one dollar and seventy five cents a day each, for every day they may have been engaged in discharging the duties enjoined on them in the before recited act; the said allowance to be paid by the agent of the three per cent. fund, in a draft or drafts, drawn by the president of their respective boards, in favour of such commissioner, or his legal representative; which drafts shall be attested by one of the commissioners; the said allowance to be paid out of the first money hereafter to be drawn by the said agent, as a part of the fund aforesaid.

Vacancies
of road com-
missioner
how sup-
plied.

SEC. 5. In case of the death of any of the road commissioners aforesaid, it shall be the duty of the county commissioners of the county, where such vacancy shall have happened, to appoint some suitable person to supply such vacancy, and the person so appointed, shall previous to his entering on the discharge of the duties prescribed by the act, mentioned in the preceding section, enter into bond with sufficient security, to be approved of by the clerk of the circuit court, of the proper county, in a sum equal to one half of the whole sum appropriated to the road, of which he is appointed commissioner; the said bond to be made payable to the Governor and his successors in office; and conditioned for the faithful discharge of the duties enjoined on him, in the act, entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called the three

New com-
missioners
to give bond
take oath,
&c.

per cent. fund, for opening the same; which bond shall be filed in the clerk's office; and it shall be the duty of the clerk to transmit a certified copy of said bond, to the president of the road commissioners of the road, on which the aforesaid appointment shall have been made; and the person so appointed, shall after taking an oath, as prescribed in the twenty fourth section of the before recited act, be considered to all intents and purposes, a commissioner for said road.

SEC. 6. It shall be the duty of the commissioners appointed to lay off, and open a road from Mauk's Ferry to Indianapolis, as soon as there shall be funds in their hands, to cause a substantial bridge to be erected over Muskacka-tack river, where said road crosses the same.

SEC. 7. *And be it further enacted*, That when all the contracts made for opening any of the said roads, shall be completed, it shall be lawful for any of the commissioners of said road so completed, to file his resignation with the secretary of state, and with the clerk of his county; which resignation shall be accompanied with a certificate signed by the agent of the three per cent fund, certifying that all the contracts for opening his said road, have been completed; and on the same being filed in the secretary's office, the bond heretofore given by said commissioners, so far as he may have been bound, shall be null and void; and the vacancy shall be supplied as herein before directed.

SEC. 8. The several state roads laid off, under the provisions of the act as mentioned in the preceding sections, after the same shall have been opened, shall be kept in repair in the same manner, and under the same rules and regulations as county roads are.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 9, 1823.
WILLIAM HENDRICKS.

CHAPTER XXVI.

AN ACT authorizing the re-issuing of treasury notes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the treasurer of state be, and he is hereby authorized and required to re-issue fifteen thousand dollars, of the treasury notes heretofore issued, that have been, or hereafter may be paid into the treasury, by paying the same to any person or persons, who have, or shall have any claim or claims against the state: Provided, that the said treasurer before re-issuing any such note or notes, shall endorse on the back thereof, the day and year of re-issuing the same, and sign his name as treasurer thereto, and he shall register the same as is required in an act authorizing the issuing of treasury notes—approved, January 9th 1821. *Previso, the treasurer shall endorse and sign the same.*

Previso, §1 shall first re-issue all the notes of the denomination of one dollar, which have been returned to the treasury. *notes to be first issued.*

SEC. 2. That the notes thus re-issued, and heretofore issued, and re-issued, shall be and the same are hereby made receivable, in payment of all taxes and debts, due or which may become due to the state, for lots sold at Indianapolis, for all fines and forfeitures, fees for public services, by all clerks, sheriffs, coroners, recorders, prosecuting attorneys, constables, justices of the peace and all other officers of this state, for any services by them rendered by virtue of their respective offices. *Treasury notes receivable for taxes due the state & by all officers for their fees.*

SEC. 3. That no sheriff or other officer, who now has, or may hereafter have, the collection of state or county taxes, or any other debts due the state, county treasury, or members of the present General Assembly, shall either directly or indirectly, take or receive the said notes at any *Penalty on officers who shall receive said notes at less*

other rate, or sum, than they purport to be upon their face; and any such officer who shall be guilty of such offence, shall be fined in any sum not exceeding five hundred dollars, upon presentment or indictment in any court having competent jurisdiction thereof. *than they purport to be.*

SEC. 4. The same penalties and punishments, that are prescribed in the fifth section of an act, authorizing the issuing treasury notes—approved, January 9th, 1821, shall apply to, and be inflicted upon any person or persons, who shall be convicted of falsely making, forging, counterfeiting, or altering, or causing, or procuring the same to be done; or who shall willingly aid or assist, in making, forging, counterfeiting, or altering, any note issued by the authority of this act, or shall pass, utter, or publish, or aid or assist in the passing, publishing, or uttering as true, any false, forged, counterfeited or altered note, purporting to be a treasury note as aforesaid, knowing the same to be false, forged, counterfeited, or altered. *Penalty on those convicted of making, forging, &c. of said notes*

SEC. 5. That fifteen thousand dollars of the revenue of the state, are hereby pledged, for the redemption of the treasury notes issued by the authority of this act, and fifteen thousand dollars of any money in the treasury not otherwise appropriated, are hereby appropriated for the redemption of the same. *State pledged for the redemption of said notes.*

SEC. 6. The treasury notes hereby ordered to be re-issued, and the treasury notes heretofore issued, or re-issued, and not yet paid into the treasury, shall bear an interest of six per centum per annum; those heretofore issued, or re-issued, and not yet paid into the treasury, shall carry interest from the taking effect of this act, and those hereafter to be re-issued, from the time of re-issuing the same, and all persons holding said treasury notes, and paying the same to any collector of state and county taxes in this state, for his, her or their state or county tax, shall receive interest on the same at the rate of six per centum per *Treasury notes shall bear interest, at what time and rate.*

Proviso as
to the agent
at Indiana-
polis.

annum, till the said collector or other officer, is bound by law to pay the same into the state or county treasury; and no interest shall be received on any of said notes, by any collector or other officer in consequence of any delay or neglect, in paying over said notes, into the state or county treasury: Provided also, that nothing in this section shall be so construed, as to authorize the agent of state at Indianapolis, to charge interest on any of said notes, which he may receive in payment of lots in said town of Indianapolis, for the term the same may be in his hands, after the reception thereof in payment, and previous to his paying them over into the treasury of state.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS

CHAPTER XXVII.

AN ACT amendatory to an act, entitled "an act, authorizing the building of a state prison, and for other purposes."

Term of
confinement in the
state prison.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever hereafter any person shall be convicted of any offence, for which such person would have been liable by the laws of this state, prior to the passage of the above mentioned act, or for which such person would be liable by the existing laws of this state, to punishment by stripes; in every such case, where the punishment or penalty might by such laws be extended to one hundred stripes, such person in lieu of said stripes, shall be adjudged to be confined to hard labour in the

state prison, for any term not less than one, nor exceeding seven years; and where such punishment or penalty might have been, not exceeding fifty stripes, the term of confinement as above in the said prison, shall not be less than one year, nor exceeding five years; and in every case where the punishment or penalty might by such laws, have been stripes, not exceeding thirty nine, the time of confinement as above in the said prison, shall not be less than one, nor exceeding three years; and in no case whatsoever, shall any person be confined for punishment in said prison, for a term less than one year, any law to the contrary notwithstanding.

SEC. 2. That whenever any person may be convicted of any offence, and sentenced to imprisonment at hard labour in said prison, for any term of time, and also fined in any sum of money as an additional penalty, for such offence, and shall not, on or before the expiration of such term of imprisonment, pay and satisfy such sum of money, then and in such case, such person shall be detained in said prison, at hard labour, until he or she, shall discharge such fine, at the rate of fifty cents per day.

SEC. 3. That should any person escape from said prison, such person on recaption, shall be confined at hard labour in said prison for double the time, for which he or she, had to serve in such prison, when such escape was effected.

SEC. 4. That the agent of said prison as soon as practicable, shall under the direction of the managers thereof, cause one acre of the ground, belonging to said prison, to be enclosed by a good and substantial wall.

SEC. 5. That the sum of \$2,500, be and the same are hereby appropriated towards the completion of said prison, by the agent thereof, under the direction of the managers aforesaid, to be paid out of the state treasury, in any monies not otherwise appropriated: Provided however, that

Proviso as
to Fischli's
convey-
ance.

the same shall be applied exclusively to the building of a wall aforesaid, for said prison; Provided also, that the sum appropriated as aforesaid, shall not be paid to said agent or managers, until John Fischli, his heirs or proper attorney, shall make to the Governor of this state, and his successors in office, a deed in fee simple for one acre of ground, to include said state prison, and when the conveyance aforesaid shall be made, the said John Fischli, his heirs and assigns, shall be discharged and released, from any and every conveyance heretofore made, to the agent, managers or commissioners of said prison, which shall be held for nought: Provided also, that the wall hereby authorized to be erected, shall be built of brick and stone, or brick or stone, and not to include more than one half acre of ground.

Proviso, ma
terials & ex
tent of wall.

Allowance
to sheriff for
transporta-
tion of con-
victs.

SEC. 6. That the sheriff whose duty it shall be to convey any convict to the said prison, shall be allowed at the rate of twenty cents per mile; for the distance such sheriff may have necessarily conveyed such convict, but when more than one convict is conveyed at the same time, eight cents per mile shall be allowed the said sheriff, for each additional convict so conveyed; and it shall be the duty of the auditor of public accounts, whenever any sheriff or his agent shall present to said auditor, the certificate of the agent or keeper, of the said prison, of the delivery of any convict or convicts, in said prison, and file his affidavit with said auditor, setting forth therein, the number of miles, such sheriff may have necessarily conveyed, such convict or convicts, to deliver him, her or them, into said prison, to audit the claim of such sheriff at the rates per mile above allowed; and it shall be the duty of the treasurer of state, to pay the same, out of any monies in the treasury not otherwise appropriated.

SEC. 7. In all cases, where convicts have been, previous to the passage of this act, conveyed to

the said prison, the allowance made by the former act, for such conveyance, shall be paid out of the treasury of state; and it shall be the duty of the auditor of public accounts, upon affidavit being filed, of the number of miles as is required by the provisions of this act, to audit the amount of such claim, and the treasurer of state to pay the same, out of any monies in the state treasury not otherwise appropriated.

G. W. JOHNSTON,

Speaker of the House of Representatives,

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XXVIII.

AN ACT to locate a state road, from Lawrenceburgh to Brookville, from thence to Connersville, thence to Centreville, thence to Winchester and thence to Fort Wayne.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Henry M'Kinsey of Dearborn county, Solomon Allen of Franklin county, William Hawkins of Fayette county and Thomas M'Coy of Wayne county, be and they are hereby appointed commissioners to locate a road from Lawrenceburgh to Ft. Wayne, view, locate and lay out a state road, in the nearest and best direction, and on the best ground, from the town of Lawrenceburgh in Dearborn county, to the town of Brookville in Franklin county, thence to the town of Connersville in Fayette county, thence to the town of Centreville in Wayne county, thence to the town of Winchester in Randolph county and thence to Fort Wayne in the county of Delaware; and the aforesaid commissioners or a majority of them, When and shall meet at the house of John Gray in the said town of Lawrenceburgh, on the first Monday of*

June next, and after taking an oath or affirmation faithfully to discharge the duties assigned them, shall proceed to discharge the same, in the same manner as is enjoined on, and required of the commissioners, in the second section of an act, locating certain permanent roads therein named, and for other purposes,—approved, January 22, 1820, which shall remain a permanent road sixty feet wide.

SEC. 2. That the said commissioners, surveyors and all others, shall be governed in all respects by the provisions of the said act, locating certain permanent roads therein named, and for other purposes—approved, January 22, 1820, excepted as herein excepted.

SEC. 3. If donations cannot be raised sufficient to pay said commissioners and surveyors, as is contemplated by said recited act, one dollar and fifty cents per day, the same shall be paid in equal proportions out of the several county treasuries, of the organized counties through which said road may run.

SEC. 4. The time allowed by said recited act, to make a return of the said road to the office of the secretary of state, by said commissioners, is extended until the first Monday of December next; and if any of the said counties, through which said road may run, may not have a surveyor, said commissioners, or a majority of them, may employ one, for the purposes aforesaid, who shall be governed by the provisions of the said recited act, and all the rights and privileges extended in the said act, to persons aggrieved by the said road, are hereby extended to such, as may be aggrieved by the location of said road, under the provisions of this act.

Duty of commissioners, &c.

Allowance to commissioners, how paid.

Report of commissioners when to be made.

May employ a surveyor.

This act to take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XXIX.

AN ACT appointing commissioners to re-locate the seat of justice of Scott county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Joshua M'Queen of Bartholomew county, Joseph Bartholomew of Clark county, and William Cotton of Switzerland county, Andrew B. Holland of Jackson county, and Samuel Milroy of Washington county be, and they are hereby appointed commissioners, to re-locate the seat of justice of Scott county; the commissioners aforesaid or a majority of them, shall meet in Lexington on the first Monday in June next, and after being duly sworn, shall proceed to examine the situation of said county, as well to locality, as extent of territory; and if in their opinion, it will be to the interest of the said county to remove the seat of justice, from Lexington, they shall procure by donation or by purchase, a quantity of land, sufficient for laying off a town, on a reasonable scale, on an eligible site. They shall receive the same pay, and be governed in all respects, by the provisions of an act, entitled an act for fixing seats of justice, in all new counties hereafter to be laid off—approved, the second day of January, 1818, and the amendments thereto now in force in this state.

Commissioners appointed.

When and where to meet.

Shall ascertain the value of donations which shall be refunded.

SEC. 2. The commissioners aforesaid, shall also value the donations, which have been given to the county of Scott, for the purpose of erecting the public buildings in said county, and the donations given, shall be refunded to the persons or their heirs who donated the same.

Courts where holden in case of removal.

SEC. 3. As soon as the county agent is satisfied, that a court house is provided, he shall report the same, to the board of county commissioners, for the said county of Scott; who shall forthwith direct the clerk of the circuit court, and the recorder of the county, to remove their offices to said new town; and from that time, the circuit court and all other courts for said county shall be holden there, and the seat of justice of said county shall thereafter remain at such new site: Provided however, that if the said commissioners after examining the situation of said county, shall be of opinion that it is to the interest of said county, that the seat of justice of said county, should not be removed from the said town of Lexington, they shall report the same in writing, under their hands and seals to the county commissioners of said county, who shall cause their clerks to record the same, and the seat of justice shall thereafter remain at Lexington.

Duty and allowance to sheriff of Scott co.

SEC. 4. The sheriff of Scott county shall notify the said commissioners of the time and place appointed hereby, for them to meet, and proceed to discharge the duties assigned them by this act, for which he shall receive such compensation, as by the board of county commissioners of said county, shall be deemed just and reasonable, to be paid out of the county treasury of said county of Scott.

Commissioners shall ascertain the damage to the citizens of Lexington.

SEC. 5. The commissioners appointed by this act, shall take into consideration, whether the real property of individuals in Lexington, will be less valuable, should the seat of justice be removed, than it would have been, had the seat of justice never been located in said town of Lexington;

and if it should appear to said commissioners that the property of individuals as aforesaid, will be rendered less valuable as aforesaid, then the commissioners aforesaid, shall make out an estimate of the damages aforesaid, and deposit the same with the recorder of the county; and the several individuals who may be damaged as aforesaid, shall receive the amount of their several damages, out of the monies arising from the sales of town lots, at the seat of justice of said county; and so soon as the seat of justice, shall have been removed in said county, it shall be lawful for the county commissioners to order the public buildings in the town of Lexington, to be sold on such terms and conditions, as they may judge most advantageous to said county, and the monies arising from such sales, shall be disposed of, as other county funds are.

SEC. 6. In case the commissioners appointed by this act, shall change by re-location the said county seat, there shall be reserved and paid out of the sale of lots at the new site, ten per cent. for the use of a county library in the said county of Scott, which shall be paid over as in other cases now regulated by law.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XXX.

AN ACT supplemental to an act, entitled "an act, incorporating a county library in the county of Dubois, and other counties therein named"—approved, January 28, 1818.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That whenever here-

The qualified voters may elect a president & trustees. after the citizens of any county in this state, shall be desirous of incorporating a county library, for such county, it shall be lawful for the qualified voters of such county, after having given twenty days previous notice, by putting up at least one manuscript advertisement in each township of such county, one of which shall be at the place where courts are holden, to assemble themselves at the court house or place where courts are usually holden, and when so assembled, proceed to elect a president and seven trustees for such library, being regulated in such election in all respects by the act to which this is a supplement.

Power and duty of president and trustees. SEC. 2. The president and trustees of such library, when elected, shall be fully authorized, to do and perform all acts and things, which by the aforesaid act they are authorized to do, and shall be governed in all respects by said act, and continue in office, from and after such election, until the regular triannual day of electing such president and trustees, as is regulated in the act to which this is a supplement, and until their successors in office are elected and qualified; any thing in the act to which this is a supplement to the contrary notwithstanding.

This act to take effect, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXI.

AN ACT supplemental to an act, to amend an act, entitled "an act, to regulate the jurisdiction and duties of justices of the peace—approved, January 28, 1818.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That if any person or

persons shall conceive himself, herself or themselves, aggrieved by any judgment of a justice of the peace, (other than judgment by confession,) it shall be lawful for such person or persons, to appeal from such judgment, to the circuit court, for the proper county, at any time within thirty days after the rendition of such judgment, by first filing a bond payable to the appellee, with good security, in a sum sufficiently large, in the opinion of the justice, to satisfy the debt, interest and costs, which had accrued before such justice; and which may accrue in the circuit court; conditioned that the appellant shall pay the full amount of the debt, interest and costs, which have accrued, and which may accrue, in the circuit court, if judgment be there given against him, her or them; which bond shall be filed with said justice, and no suit shall be dismissed by any court, on account of the informality, or insufficiency of said bond, if the appellant will on the calling of the cause, file a bond with security, to be approved of by the court; and it shall be the duty of the justice of the peace, if execution shall have issued, to recall the same, and make out a certified transcript of the record of such judgment, under his hand and seal, which transcript with the original bond, and all the papers filed in the cause, shall be filed by the appellant, in the clerk's office of the proper county, at least ten days prior to the first day of the next circuit court, if there be sufficient time before court, but if there be not time as aforesaid, then and in that case, the appellant shall file the same, on or before the first day of the next circuit court holden after said appeal; and the appellee shall not in such case, be compelled to go to trial at that term; and after a transcript of said judgment is filed as aforesaid, the clerk of the court shall docket the same as in other cases, and all further proceedings before such justice shall be stayed, from and after the taking of said appeal; and

Appeal may be taken.
When c. c. may take new bond.
J. P. shall recall execution.
When and what documents shall be filed in the clerk's office & by whom.
Trial of appeal when had.
Clerk to docket the same.
Proceedings before

j. p. stayed. Trial with-
out plead-
ing. the court shall hear and determine the same in a summary way, unless when the cause of action shall exceed twenty dollars, and either party require a jury; when the same shall be tried as all other cases, except that no pleadings shall be required; and the court may in its discretion, require the plaintiff to state truly, the nature of his demand, and the defendant of his defence, and the costs which appear to have been taxed by

Costs below shall be tax-
ed with
costs above. the justice, and endorsed on the transcript, shall be included in the costs above, and included in the judgment; but if the appeal be not filed with the clerk of the court, as provided for by this act, the clerk shall certify the same on the appli-

Appellant failing to
file appeal
j. p. may is-
sue exc.
Proviso
when ap-
pellant
shall pay
costs. cation of the appellee, and such certificate being filed with the justice, who rendered such judgment, shall be sufficient authority for him to issue execution on said judgment, in the same manner, as if such appeal had not been taken: Provided, that if the person or persons in whose favour judgment shall have been rendered, shall appeal, and shall not recover more than he, she or they recovered before the justice, in such case the appellant shall pay all costs accruing on said appeal.

When parties shall
answer on
oath. SEC. 2. In all trials of debt, assumpsit, or accounts, before any justice of the peace, it shall be lawful for the plaintiff, if the defendant deny the debt, demand or account, to require said defendant, to answer on oath, to such charge, and if the said defendant thereupon deny the same, the plaintiff shall not have judgment, unless he shall establish his claim, and whenever the defendant shall allege matter, in payment of the said plaintiff's demand, he may in like manner, and subject to like rules, (except in the absence of the plaintiff, then and in that case, the matter shall be sworn to,) require the said plaintiff, to answer such allegation on oath, and on refusal to answer, the justice shall enter up judgment, as

if the matter alleged, was confessed by the plaintiff.

SEC. 3. It shall not hereafter be lawful for any justice of the peace, to purchase directly or indirectly, any judgment, or any part thereof, on his docket; nor shall any constable, purchase any judgment of a justice of the peace in his county, or any part of a judgment, either directly or indirectly, and if any such justice of the peace or constable, shall be guilty thereof, he or they, so offending, shall be fined for each offence, upon conviction thereof, by presentment or indictment, in any sum not exceeding one hundred dollars, nor less than five dollars, with costs of prosecution, for the use of county seminaries. Penalty of j. p. & constable for purchasing judgments.

SEC. 4. In all cases, where the defendant shall hereafter remove a cause by change of venue, he shall not be required to pay the costs, which have accrued in said suit, previous to such change, (except so much thereof as may be caused by such change,) but the said costs shall otherwise abide the event of the suit. Costs to abide the event of suit, in change of venue.

SEC. 5. That so much of the second section of the act, entitled "an act, regulating the jurisdiction and duties of justices of the peace"—approved, January 28, 1818, as authorizes a justice of the peace to empanel a jury, and enquire into any criminal accusation, riots, routs, affrays, unlawful assemblies or for a breach of the peace, be and the same are hereby repealed: Provided however, that any justice of the peace may, and shall hereafter enquire into, in a summary manner, and punish by fine, not exceeding three dollars, all trivial and inferior breaches of the peace, and judgment give, and execution award; which fine when collected, shall be paid over to the county seminary trustee or agent: Provided also, that if upon examination of the witnesses, it shall appear to the justice that three dollars will not be an adequate punishment for such offence, it shall be his duty to recognize the par- Repeal of the act authorizing j. p. to empanel juries in criminal cases. J. p. may assess fine of \$3. Proviso, j. p. may recognize for misdemeanor.

ty, and the witnesses, to appear on the first day of the next term of the circuit court, to answer to such charge: Provided however, that justices of the peace, shall not demand or receive any fee or compensation, for any duties and services, by them performed in criminal cases tried before them.

Repeal of 29th & 1st sect. of the amendatory acts regulating jurisdiction and duties of justices.
SEC. 6. The 29th section of an act, entitled "an act, regulating the jurisdiction and duties of justices of the peace"—approved, January 28, 1818; and the first section, except the enacting clause, of an act, entitled an act, to amend an act, entitled "an act, regulating the jurisdiction and duties of justices of the peace"—approved, January 28, 1818, be and the same are hereby repealed.

G. W. JOHNSTON,
 Speaker of the House of Representatives.
 RATLIFF BOON,
 President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXII.

AN ACT to amend an act for the better regulation of the militia of the state of Indiana, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all officers, whose duty it is made by law, to order courts of enquiry, to determine contested elections, shall in case the board of officers, which may be ordered to determine any contested election, fail to meet at time and place appointed, have full power from time to time, to order another board, or boards of officers, until said contested election shall be fully determined, any law to the contrary notwithstanding.

SEC. 2. The brigade major, and inspector of

each brigade throughout the state, shall be allowed the sum of three dollars, for each regiment he may inspect, to be paid by the pay master of each regiment; that may be inspected by such brigade major, out of any monies in his hands, arising from fines assessed in such regiment.

SEC. 3. The adjutant general of the militia, Adjt. gen. shall from and after the first day of March next, office where reside and keep his office at the seat of government.

SEC. 4. No major general, or brigadier general, shall be authorized, hereafter to take command of any regiment, on any of the days of regimental muster, unless requested by the commandant of such regiment so to do, but either of said superior officers, may give such legal orders or instructions, as they may deem necessary and proper, to perform any manœuvre or evolution of the day, which the commandant of such regiment shall obey.

SEC. 5. That hereafter it shall not be lawful, for any person to contest the election of any militia officer, who shall have been declared to be duly elected, where two or more are equal, and highest in number of votes, until after the result of any such election, shall be determined in manner following, to wit: if a company officer, the election shall be determined by lot, drawn by the judges of the election present; if the election of a field officer, under the rank of general, it shall be determined by lot, drawn by the judges of the election present; if the election of a general officer, it shall be determined by the judges of such election from the different regiments present.

SEC. 6. It shall hereafter be the duty of the adjutant general, to keep a roster of the general and field officers of each division, in his office.

SEC. 7. Whereas doubts exist, as to the legality of staff officers voting at elections for field

When staff officers; therefore, be it further enacted, that all staff officers of the militia of this state, be, and they are hereby authorized, to vote at any election for field officers, in their respective bounds, and that hereafter it shall not be lawful, for any staff officer to vote for either brigadier or major general of the militia of this state, nor shall any officer, whose commission may become extinct, be entitled to vote for either brigadier, or major generals.

Notice of time and place of holding musters how & by whom given.

SEC. 8. That it shall be the duty of the commandants of regiments, to receive from the commandants of brigades, written notices of the time and place of holding their regimental musters, and brigade drill musters, to which they shall add, the time and place of holding their regimental drill musters; a copy of which, they shall cause to be delivered to the commandants of companies, on or before the first day of March annually; and it shall be the duty of such commandants of companies, to add thereto, the time and place of holding their company musters, for that year; a copy of which shall be by them delivered to the sergeants of their companies, on or before the fifteenth of March annually; and it shall be the duty of such sergeants, to deliver a copy thereof, to each and every person, belonging to their respective companies, on or before the first day of April annually: Provided, that in all cases, three days notice, of the time and place of holding any muster, shall be deemed sufficient.

Company musters in May.

SEC. 9. That there shall be one company muster held annually, in the month of May, at such time and place, as the commandant thereof shall appoint; and there shall be a regimental drill muster annually, to be holden at such time and place in the month of April, as the commandants of regiments shall direct, to continue two days; and it shall be the duty of all commissioned and non-commissioned and staff officers belonging to

Regimental drill musters in April.

the regiments, to attend such drill muster, the Officers commissioned officers to be armed with a sword shall be equipped & or hanger, and the non-commissioned officers, uniformed, with fire arms only; and the same shall perform camp duty during the night.

SEC. 10. That there shall be a brigade drill Brigade muster of officers annually, to continue three days, drill muster at such time and place, in the month of September, in September, as the commandants of brigades shall direct, where all the commissioned and staff officers, belonging to such brigade shall attend, armed with swords and fire arms, and the same shall perform camp duty, during the nights of such drill; and it shall be the duty of the brigadier general, or officer highest in command, that may be present at such drill, to call the roll on each day of said drill, and note all delinquencies, whether as to absentees, arms, &c. and make report of the same, together with all and every person, either officer or citizen, who may be guilty of ungentlemanly and unofficerlike conduct, to the regimental court of assessment, where such person may reside; who shall impose the same fines on such delinquents, as are now provided for like offences or delinquencies, by the act to which this is an amendment.

The commandant of brigade shall make return of delinquencies to regimental courts of assessment.

SEC. 11. That where any regimental court of assessment of fines, or regimental court of appeals, shall fail to meet, and proceed according to law, to the discharge of their duties, it shall be the duty of the commandants of regiments, to order the officers composing such courts of assessment or appeals, to meet at any other time; and such courts when so met, shall have the same powers, and be subject to the same rules and regulations, as such courts would have had, and been subject to, had they convened at the proper time.

SEC. 12. That in all cases where volunteer Officers of corps shall be ordered out, under the provisions of the fourth section of the act to which this is

Officers of volunteer corps shall

constitute an amendment, it shall not be the duty of the court of assessment. commandant thereof, to make a return of the delinquencies at such musters, to the court of assessment; but it shall be his duty, to convene the subaltern officers of his company, on the second Monday in November annually, and assess such fines, as may be justly due from such delinquent, and to appoint some suitable person belonging to such company, to collect such fines; who shall be governed in all respects, as the collectors of other militia fines are; which, when collected, he shall pay over to the treasurer of such company, for the sole use of the same: Provided however, that any person who may feel himself aggrieved, by the decision of such company court of assessment, shall have the right of appeal to the regimental court of assessment, as in other cases.

Proviso an appeal may be had.

SEC. 13. That in no case, shall any personal property that now is, or hereafter may be exempt from execution by law, be taken to satisfy any militia fine; any law, usage, or custom to the contrary notwithstanding.

Officers who have served five years exempt from military duty.

SEC. 14. That part of the act, to which this is an amendment, extending the privilege of exemption, from militia duty in time of peace, to officers who shall thereafter serve five years, shall be so construed as to extend to officers, who may have heretofore served for the term of five years, and all that part of the twenty fifth section of the said act, which makes it the duty of brigade inspectors, to make out brigade returns, and transmit the same to the major general, and adjutant general of this state, together with the sixteenth section of said act; and all acts and parts of acts, coming within the purview or meaning of this act, be and the same are hereby repealed.

Repeal.

This act shall take effect and be in force from and after its passage.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXIII.

AN ACT to establish a state road from Aurora, in the county of Dearborn, to Napoleon, in the county of Ripley, and certain other roads therein named.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Jesse L. Holman and Abel C. Pepper, of the county of Dearborn, and David Riggs of the county of Ripley, be, and they are hereby appointed, to view, mark, and lay out, in the nearest direction, and on the best ground, a permanent state road, from the town of Aurora, in the county of Dearborn, to Napoleon in the county of Ripley.

Commissioners to locate a road from Aurora to Napoleon.

SEC. 2. The said commissioners shall meet in the aforesaid town of Aurora, on the first Monday of April next, or any other day, thereafter, that may be agreed upon by a majority of said commissioners, and after taking an oath or affirmation, faithfully and impartially to discharge the duties enjoined them, by this act, shall as soon thereafter, as may be convenient, proceed to lay out and mark said road, so as to identify the same, and cause said road to be surveyed.

When and where they shall meet.

SEC. 3. The said commissioners or a majority of them, shall immediately after completing the location of said road, make out a correct report of the same, at full length, and cause the said report to be filed within sixty days thereafter, in the several offices of each of the clerks of the

of their proceedings.

circuit courts, for the counties aforesaid, and it shall be, and is hereby made the duty of the clerks aforesaid, within twenty days after the reception of said report, to record the same in the book, in which are recorded, the proceedings of the respective boards of county commissioners.

Road how opened and allowance to road commissioners.

SEC. 4. It shall be the duty of the county commissioners for each of the counties aforesaid, at their first meeting after said road shall be laid out, marked, and reported as aforesaid, to cause the same to be opened, any width not exceeding sixty feet, and made agreeably to, and under the provisions of the several acts, which now are, or may be in force in this state, for the opening and repairing of public roads and highways; and the said commissioners, hereby appointed to view, and mark said road shall be allowed such compensation for their services, as the court of county commissioners of their respective counties, deem reasonable, to be paid out of the county funds of the county, through which said road may pass.

Commissioners to locate a road from Madison to Lawrenceburgh.

SEC. 5. *And be it further enacted*, That a road from Madison, in the county of Jefferson, to Lawrenceburgh, in the county of Dearborn, on the nearest and best direction between the said two points, be, and the same is hereby established, not exceeding forty feet wide; and that Richard Hopkins of Jefferson county, William Ross of Ripley county, and Samuel C. Vance of Dearborn county, be and they are hereby appointed commissioners to view, mark, lay out and open the same, agreeably to the foregoing provisions of this act, and that said commissioners shall meet at the town of Lawrenceburgh, on the first Monday in May next, and after taking the necessary oaths of office, they or a majority of them, shall proceed to perform the duties enjoined on them by this act, and the said road shall be recorded in the books of the county commis-

When and where they shall meet.

sioners of the respective counties, through which said road passes.

SEC. 6. That a state road from Paoli in Orange county, thence to the French Lick, thence to Portersville in Dubois county, thence to Petersburg in Pike county, be established, and that James Ferris, and William Edmonston of Dubois county, and James Brenton of Pike county, be and they are hereby authorized, to mark and lay out said road, upon the nearest and best route, having regard to the commencement and termination, together with the intermediate points, as above designated, that the said road shall be recorded, by the several clerks of the boards of county commissioners, through which said road shall run, upon application of the commissioners of said road, that it shall be the duty of the several boards of county commissioners, of the counties through which said road shall run, to cause said road to be opened, in the same manner, as other county roads are opened; Provided, they shall not cause said road to be opened more than thirty feet wide.

Commissioners to locate a road from Paoli to Petersburg

SEC. 7. That Robert Branham of the county of Jefferson, Merritt S. Craig of the county of Ripley, and William B. Laughlin of the county of Rush, be and they are hereby appointed commissioners to locate, mark, and lay off a state road from the town of Madison in the county of Jefferson, thence to Versailles, thence to Fort Wayne, on the nearest and best route, from the commencement to the termination of said road. That the said commissioners shall meet at the said town of Madison, at such time as may be agreed upon by them; that when the road is laid off, and located, it shall be the duty of the several boards of county commissioners, of the counties through which said road shall pass, to cause the same to be opened through their respective counties, as other county roads are: Provided, that said road shall not be opened more than forty eight feet wide, to be determined by

Commissioners to locate a road from Madison to Ft. Wayne.

When and where they shall meet.

the said road commissioners. That it shall be the duty of the said road commissioners, to cause a record of the said road, to be made, with the clerks of the several boards of county commissioners, through which said road shall pass.

Commissioners to locate a road from Jacob's Ford on Silver creek to the Pine Lick.

When and where they shall meet.

SEC. 8. *And be it further enacted,* That Joseph Bartholomew, Zebulon Collins, and John Fischli, be and they are hereby appointed commissioners, to lay out, locate and mark, a state road, from, at, or near Jacob's Ford, on Silver creek, on the state road, leading from Jeffersonville in Clark county, to Salem in Washington county, to intersect the state road, leading from M'Donald's Ferry, in Clark county, to Brownstown in Jackson county, at or near a place called the Pine Lick, on the last mentioned state road; and that said commissioners shall meet, on the first day of March next, or as soon thereafter as may be agreed on, at Jacob's Ford, aforesaid, and after being sworn faithfully to execute the duties enjoined on them by this act, shall after choosing the best point on the state road, near said Ford, proceed to lay out, survey and mark, on the most direct route, and best ground, a state road to the Pine Lick aforesaid, or as near that point, as shall appear eligible and proper, in order and for the purpose of connecting the two state roads aforesaid, by said road herein provided for. The said road shall be opened any number of feet not exceeding thirty five, pursuant to the provisions of the thirty first section of an act, locating certain permanent roads therein named, and for other purposes—approved, January 22, 1820.

Commissioners to locate a road from Columbus to Bloomington.

SEC. 9. *And be it further enacted,* That Charles Griffith, and Akin A. Wiles of Bartholomew county, and William Jackson of Monroe county, be and they are hereby appointed commissioners, to locate and mark, a road from Columbus, in Bartholomew county, to Bloomington, in Monroe county. The commissioners as aforesaid, or a

majority of them, shall meet at the court house in Columbus, on the first Monday in April next, or as soon thereafter as a majority of them shall agree upon, and after being duly sworn, faithfully to discharge the duties enjoined on them by this act, shall proceed to locate, and mark a road from Columbus to Bloomington: the said road to be located on the nearest and best ground, between the points aforesaid; the commissioners aforesaid shall deposit with the clerks of the board of commissioners, of their respective counties, certified plats of the said road; and the county commissioners, shall cause the same to be opened in their respective counties, in the same manner as county roads are opened; and the same thenceforth shall be kept in repair, as county roads are; the county commissioners of the counties of Monroe and Bartholomew, shall allow the commissioners appointed by this act, such compensation as they may deem reasonable, to be paid out of their county treasuries.

When and where they shall meet.

How opened and width thereof.

Allowance to road commissioners.

SEC. 10. *Be it further enacted,* That Thomas Herndon of Franklin county, James Montgomery of Ripley county, and William Campbell of Franklin county, are hereby appointed commissioners, to locate and establish a state road from Brookville in the county of Franklin, to Versailles in the county of Ripley, terminating at Versailles; and the same be, and remain ever afterwards, a state road thirty feet wide; and that said commissioners meet at the house of William Campbell in Brookville, on the first day of June next, for the purpose of performing said duty.

When and where they shall meet.

This act to take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS

CHAPTER XXXIV.

AN ACT to authorize the agent of state, to sell two additional brick yards, at the town of Indianapolis.

Agent authorized to sell two additional brick yards.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the agent of state, for the town of Indianapolis, be and he is hereby directed to sell to the highest bidder, two brick yards, containing two acres of ground each, on the same terms the lots were sold, at the original sale of lots in said town; and that in making such sale, he be confined to the north east or south sides of said town.

Form and location thereof.

SEC. 2. The ground so sold for brick yards, shall be laid off in the form of an oblong square, and shall adjoin the boundary of the said town plat, and shall not be located on said boundary, at the end of any of the streets, where the state roads enter the town, which have been run in pursuance to an act, of the General Assembly of this state, passed on the 31st day of December, 1821; but on any street or alley not herein excepted, they may be located in such manner, as not to prevent the further extension, in a straight direction of the street or alley, on which they are located; and the said agent, is hereby authorized to proceed to sell the said brick yards, so soon as he shall receive official notice of this act, by giving at least four weeks notice of such intended sale, by advertisement in the Indianapolis Gazette, Indiana Republican and Indiana Gazette.

Agent shall give notice of sale.

Timber may be cut on unsold lots.

SEC. 3. The citizens of Indianapolis, are hereby authorized to cut and remove any timber that may be on lots in said town which remain unsold: Provided, that no person shall be permitted to cut and remove such timber as aforesaid, unless the same shall be so contiguous to some lot, the owner of which is about to improve the same, as to effect the improvement thereof.

SEC. 4. That any person cutting down trees, and suffering them to remain as obstructions in, or to any street or alley, in said town, for a longer period than ten days, shall be, on conviction thereof, punishable by indictment in the circuit court of Marion county, at the discretion of a jury: Provided however, the squares which the agent has already leased or may hereafter lease, the lessee thereof shall have permission to run their fences across the alleys which divide said squares, north and south, and east and west.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXV.

AN ACT authorizing the circuit courts to decree the sale of the real estate of minors, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the circuit courts of the several counties in this state, are hereby invested with jurisdiction in equity to authorize by decree, the sale of the real estate of infant heirs, or devisees, and to direct and authorize the investing of the monies arising from said sales, or otherwise, in the purchase of real estate for their benefit, upon proper application made for that purpose by them, through their guardian, or guardians, by petition in writing to said court; which petition shall set forth the object and extent of the order or decree prayed for, and shall be filed in the clerk's office, where such application shall be made, in the manner, and under the restrictions hereinafter mentioned.

Guardians
shall give
bond.

SEC. 2. The said circuit courts, on the filing of such petition, shall, before any further proceedings be had thereon, direct and cause the said guardian or guardians, making such application, to give bond with two or more good and sufficient freeholders securities, in such penalty as the said court may deem expedient, conditioned for the faithful performance of such order or decree, as the said court may make, concerning the subject matter of the said petition, and for the faithful accounting, whenever required by said court, of, and concerning the trust, pursuant to said petition reposed in him, her or them.

Additional
security
may be re-
quired of
guardians.

SEC. 3. The said court shall have power, upon application on behalf of an infant or infants, interested in any proceeding under this act, at any time to change such guardian or guardians, and demand and cause him, her or them, to give further and better security, at their discretion, if such proceeding should appear to be necessary to secure the rights of such infant or infants.

Extent of
jurisdiction
of courts.

SEC. 4. The jurisdiction of said courts, shall, under this act, extend to all cases in which infants are solely interested, or where they are cotenants with others, in any inheritance or devise of lands, tenements or hereditaments, and to all cases wherein infants are entitled, in the course of distribution, or by legacy, to any part or residue of a decedant's personal estate.

In what
cases c. c.
are restrain-
ed from sel-
ling estate
of minors.

SEC. 5. The said courts shall not in any case under this act, violate any specific directions, trust or confidence, vested in any guardian or guardians, trustee or trustees, executor or executors, by last will or testament, nor shall said courts, direct any lands, tenements or hereditaments, to be sold, until they are informed of the probable value thereof, by estimation under oath of one or more judicious, disinterested person or persons, acquainted therewith; nor shall any sale of any improved farm, plantation or improved town lot, be decreed by said courts, in any case,

where all the heirs or devisees are infants, the mother of such infants being left in the possession thereof, and having the care and controul of such infants, until some one of such infants arrive at full age, without the consent of the mother of such infants.

SEC. 6. The said courts in their discretion, may direct the investment of any monies coming into the hands of guardians, agreeably to the prayer of his or their petition, or otherwise, if it shall seem best for the infants concerned: Provided however, that no lands shall be purchased with said money, at a greater than the minimum price of the lands of the United States, nor shall any purchase be made out of this state, nor shall any monies in the hands of such guardian or guardians, be loaned, except on real security within this state, and at the highest legal interest.

SEC. 7. The said courts shall proceed under this act, without further delay, than what may be necessary for securing the rights of all parties concerned, and the just distribution of the estate, exhibited in the said petition, to make such order or decree, as shall best secure the interests of the infant or infants concerned, and to make such interlocutory orders and decrees, as will prevent unnecessary waste or injury, to the real or personal estate, of the said infant or infants interested; and if it should be judged necessary, in any proceeding under this act, to make any interlocutory order or decree in vacation, the president of the said court, is hereby authorized to make the same.

SEC. 8. In all cases arising under this act, if the lands, tenements or hereditaments, mentioned in the petition, should lie in several counties, the circuit court of either of said counties may take jurisdiction of the whole, and adjudicate thereon, in the same manner as if the same were all situated in such county; and the

orders and decrees made thereon, shall have the same effect, as if made in the county where such lands, tenements or hereditaments were situate.

Infants bound by the disposition made of their property.

SEC. 9. The disposition made of any real, or personal estate, under this act, shall be valid against the claim or claims, of all persons, infants or others, parties or privies to the proceedings; but in case of fraud, negligence or refusal to account, by any guardian or guardians, whereby damages may accrue to the said ward or wards of such guardian or guardians, the said court on complaint on behalf of such ward or wards, shall cite such guardian or guardians, and his, her or their securities, to answer such complaint; and thereupon, shall in the discretion of said court, decree such damages against them, as shall appear just and equitable.

Damages may be decreed against delinquent guardians.

SEC. 10. The said courts shall have jurisdiction and authority, to make all orders and decrees necessary to carry into complete effect, the provisions of this act, agreeably to the true intent and meaning thereof.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXVI.

AN ACT to amend the act, entitled an act, establishing a county treasurer—approved, January 1, 1817.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be the duty of the collectors of county taxes, to receive in payment therefor, any attested county order on the treasurer, from the holder of such order,

Collectors shall receive coun-

where the amount is the same, with that of his ty orders county tax, or in part payment, where the order in payment is less than the amount of such taxes. of taxes.

SEC. 2. Where any person has an attested County or county order in his own name, of a larger amount than his county tax, and is desirous to appropriate a part of such order, to the payment of such tax, he is hereby authorized to apply to the clerk of the board of the county commissioners, whose duty it shall be, to give to the holder of such order, and in exchange therefor, two attested county orders, making together the same amount with the original order, one of which orders shall be for the same amount, with that stated by the holder, to be the amount of his tax, and shall appear on its face to be intended for the payment thereof.

SEC. 3. Whenever an attested county order shall be presented at the treasury for payment, and shall not be paid for the want of funds, it shall be the duty of the treasurer, to endorse on such order, the day of such presentment; and shall enter in a book to be kept for that purpose, the amount of such order, in whose favour made, and the time when payment was demanded at the treasury as aforesaid. Day of presentment shall be endorsed on county orders when no funds in the treasury

SEC. 4. County orders properly attested, shall be entitled to a preference as to payment, according to the order of time, in which they may be presented as aforesaid, and upon the receipt of money in the treasury, it shall be the duty of the treasurer to appropriate and set apart the same, for the discharge of such county orders so presented as aforesaid. County orders paid by seniority of presentment.

SEC. 5. All such county orders not paid on demand, shall bear an interest at the rate of six per centum per annum, from the day of their presentment at the treasury, until the time when the money shall be appropriated and set apart as aforesaid, by the treasurer for their payment; except that no interest shall be allowed on the Shall bear interest from the date of presentment.

sum specified in the order for the payment of the holders tax, from the date of such order.

Penalty on collector and treasurer neglecting any of the duties herein prescribed.

SEC. 6. If any collector of county taxes, or any county treasurer, shall neglect or refuse to perform any of the duties prescribed to them respectively by this act, they shall for every such offence be fined in any sum not exceeding two hundred dollars; to be recovered by presentment or indictment, in any court of competent jurisdiction.

Penalty on collectors shaving county orders.

SEC. 7. If any collector of county taxes, shall receive any county order, at less than its nominal value, or shall directly or indirectly, purchase any such claim, at less than its nominal value, he shall be subject to presentment or indictment, in any court of competent jurisdiction, and fined for every such offence, in any sum not exceeding five hundred dollars.

Additional oath prescribed for collectors.

SEC. 8. The collector of the revenue, shall take an additional oath of office, that he will not directly nor indirectly, by himself, or through his agent, purchase any county order, or treasury note, for a less amount than its nominal value.

G. W. JOHNSTON.

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS

CHAPTER XXXVII.

AN ACT to establish certain state roads therein named.

Road established from Madison to Big creek.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That a state road be established, to commence at the north end of Main-street in the town of Madison, Jefferson county, thence the nearest and best way to intersect the old road at Big creek.*

SEC. 2. *Be it further enacted, That John Se-Commiss-
ring, John Hows and John Richey be, and they sioners ap-
are hereby appointed commissioners, to survey pointed.
and mark said road, from the place of beginning
to its termination; and they are hereby authoriz- May em-
ed to employ a surveyor and chain carriers to as- ploy survey
sist in laying out, and marking out said road, and or.
to allow such surveyor and chain carriers, a rea-
sonable compensation, to be paid as hereinafter
provided. Said commissioners shall assess all Assess da-
damages, that may be claimed by any person, in mages.
consequence of the road's running through his, her,
or their land. The said road shall be cut, not Width of
more than forty eight feet wide, and the counties road.
through which the road runs, to pay all the ex-
penses of laying out and marking said road.*

SEC. 3. *Be it further enacted, That the com-
missioners appointed to lay out said road, so soon Report of
as they have completed the survey of the same, proceedings
shall make return of the survey, to the clerk of where re-
the board of commissioners, in the respective corded.
counties, through which said road runs, and the
clerk shall record the same, and the county com-
missioners, shall order said road opened and Road how
worked, in the same manner as county roads are opened.
opened and worked.*

SEC. 4. *That said commissioners or a major- Commis-
ity of them, shall meet in Madison, on the first sioners
Monday of April next, or as soon thereafter, as when and
a majority of said commissioners shall deem it to
expedient, and proceed to lay out said road, ac- meet.
cording to the provisions of this act.*

SEC. 5. *Be it further enacted, That John Commis-
Harrison of the county of Harrison, John Flick- sioners to
ner of the county of Floyd, and Henry Bottorff lay out a
of the county of Clark, be, and they are hereby road from
appointed commissioners to view, locate, and Corydon to
lay out a permanent road, in the nearest direc- Charles-
tion, and on the best ground from Corydon in town.
the county of Harrison, to Charlestown in the
county of Clark.*

Commissioners when and where to meet.

Roads how opened.

Width thereof.

SEC. 6. The said commissioners hereby appointed, shall meet in Charlestown, on the first Monday in April next, and after taking an oath or affirmation, faithfully and impartially to discharge the duties enjoined on them by this act, shall immediately, or as soon thereafter as they may agree upon, proceed to lay out, and mark said road, so as to identify the same, which road shall be opened and kept in repair, by the county commissioners of the said counties of Harrison, Floyd and Clark, in proportion to the distance, the same may run through the said respective counties, in the same manner other public roads are; which road may be opened any width not exceeding forty feet.

SEC. 7. The said road when opened, as well as all other public or permanent roads in this state, shall in no case be altered or changed, until the county commissioners shall be satisfied that the person or persons wishing such change, shall have prepared a road equally as good, in every respect in lieu thereof, on the ground where such change is prayed for.

This act shall take effect and be in force, from and after its passage.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXVIII.

AN ACT to re-locate certain state roads therein named.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Perrin, Stanhope Royster and Zachariah Ferguson, the com-

missioners heretofore appointed to locate a road from the Ohio line, via. Connersville to Indianapolis, be and they are hereby authorized and required, to re-locate the aforesaid road, in the following manner, to wit: commencing at a point where the state road, leading from Oxford, Ohio, to Salisbury, Wayne county, Indiana, crosses the state line between Ohio and Indiana, thence to Liberty, Union county, thence to Brownsville, Union county, thence to Connersville court house, Fayette county, thence the nearest and best way to Rushville, Rush county, to intersect the state road, leading from Brookville to Indianapolis.

SEC. 2. The said commissioners shall meet at Brownsville, on the first Monday in April next, or on some subsequent day thereafter, which may be appointed by said commissioners, or a majority of them, and after having filed bond and security as required by law, and taken an oath or affirmation, well and truly and without fraud, to carry into execution the provisions of this act, agreeably to the true intent and meaning thereof, shall repair to the place of commencing said road, and proceed to carry into effect the provisions of this act, being governed in all respects, by an act authorizing the laying off state roads in this state, and appropriating \$100,000 of the fund commonly called the three per cent. fund, to opening the same.

SEC. 3. The said state road, heretofore located and marked by said commissioners, is hereby declared to be vacated, to all intents and purposes, and three fourths of the balance of the sum appropriated to, and unexpended on said road, be and the same is hereby appropriated to the re-locating and opening of said road, agreeably to the true intent and meaning of this act.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid, be and they are hereby authorized and required, to locate and open a state road, beginning at the south east corner of sec-

the Ohio line where Oxford road crosses the same, via. Dunlapsville to Connersville. When and where they shall meet.

Appropriation.

tion number 13, township numbered 10, and range numbered one west, where the state road leading from Oxford, Ohio, intersects the line dividing this state, from the state of Ohio; from thence the nearest and best route to Dunlapsville, from thence to Connersville courthouse, in Fayette county; the commissioners aforesaid or a majority of them, shall meet at the house of John Miller in Franklin county, on the first Monday in March next, or some subsequent day they may agree upon; and after having taken an oath, and given bond and security, as is required in the first section of this act, shall proceed to locate and open said road, being governed in all respects by the act, entitled "an act, authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund, commonly called the three per cent. fund, for opening the same, agreeably to the true intent and meaning of this act, and shall expend one fourth of the monies appropriated to, and unexpended upon the road, which the first section of this act provides for re-locating, to the locating and opening the road specified in this section.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XXXIX.

AN ACT to re-locate a part of the state road from Evansville to Terre Haute.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the county commissioners of the county of Vigo, at their February session in 1823, shall appoint three disinterested freeholders of their county, as commissioners, to re-locate that part of the state road*

Commissioners to re-locate a road from Evansville,

from Evansville, to Terre Haute which runs to Terre Haute through Honey Creek prairie in the said county of Vigo.

SEC. 2. The commissioners, thus appointed, after having received notice of their appointment and after taking an oath or affirmation, before some person duly authorized to administer oaths, faithfully and impartially to discharge the duties imposed by this act, shall proceed to view and examine that part of the said road, which runs through the said Honey Creek prairie, commencing at a point where the said road first touches the said prairie, and running from thence to the bridge, across Honey creek, at Lambert and Dixon's Mills, or at any other point which the said commissioners may select, and from thence, on the nearest and best route, to Terre Haute.

SEC. 3. It shall be the duty of the commissioners, whose duty it is to contract for the opening of the said road, from Evansville to Terre Haute, to open the same from the south end of Honey Creek prairie, on the ground designated by the commissioners, appointed under the provisions of this act, and that part of the said road which runs through the said Honey Creek prairie, be and the same is hereby vacated.

SEC. 4. The said commissioners shall within ten days after having completed, and fully performed the duties enjoined by this act, make out under their hands and seals, a certificate of their proceedings, and give the same to the clerk of the circuit court, to be filed by him in his office, and the said commissioners shall receive for their services, such compensation as the board of county commissioners, may deem just and reasonable to be paid out of the county treasury, as other demands are paid.

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This act to take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XL.

AN ACT supplemental to an act, entitled "an act, authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the same," approved, December 31, 1821.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Christopher Harrison, the agent of this state, appointed by the act to which this is a supplement, to draw the three per cent. fund therein mentioned, and pay out the same according to the provisions of said act, be, and he is hereby allowed two per centum on the amount of all monies, heretofore received and paid out, by the said agent as aforesaid; provided nothing herein contained, shall be so construed, as to allow the said agent a per cent. for receiving; and another per cent. for paying out; but that the said two per cent. shall be considered as a full compensation to the said agent for both; provided further, that if at any time hereafter the said agent, should wish to resign his appointment aforesaid, he is hereby authorized so to do, on his making a final settlement of his accounts, with the governor of this state, and paying over to the Governor, the balance of the said public money, which upon such settlement, shall be found remaining in the hands of said agent, and due to the state.*

Allowance to C. Harrison, agent of state.

This act shall be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XLI.

AN ACT to re-locate a part of the state road leading from Mount Prospect, on the Ohio river, to Petersburg.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Peter Brenton, Charles Debruler and Zachariah F. Selby, of Pike county, are hereby appointed commissioners to re-locate that part of the state road, leading from Mount Prospect to Petersburg, hereinafter described.*

Road commissioners appointed

SEC. 2. The commissioners aforesaid, are hereby authorized and required to proceed, after having taken an oath according to law, on or before the first day of September next, to re-locate that part of the said road, commencing at the mile post thirty eight, thence the nearest and best way to Petersburg, under the provisions of an act, entitled "an act, authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund, commonly called the three per cent. fund for opening said roads."

When and where they shall meet.

SEC. 3. When that part of said road shall have been so re-located, the commissioners shall cause the same, to be recorded as other state roads are, and the commissioners appointed un-

Re-location to be recorded.

der the above recited act, shall appropriate the money accordingly on said road.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER XLII.

AN ACT authorizing the state agent to rent out the improved lands, on the donation at Indianapolis, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the agent of the state, at Indianapolis, may and it is hereby made his duty, to rent all the improved land of the donation, which is not otherwise appropriated, on or before the first day of March annually, in such pieces or parcels, as may best suit the lessees, and conduce most to the interest of the state.

State agent
may make
annual leases.

Shall give
notice of
time and
place of
leasing.

Shall take
bond from
lessee.

SEC. 2. The said agent before leasing any of the land aforesaid, shall advertise, either in a public newspaper printed at Indianapolis, or by setting up manuscript advertisements, in three of the most public places in the township, in which the said land lies, that he will at a stated time and place, proceed to lease the said land as aforesaid; and shall take from the lessee, a bond with approved security, for the payment of his rent; which rent when so collected, he shall pay into the treasury of state, taking the receipt of the treasurer for the same.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XLIII.

AN ACT to alter the state road from Winchester, to Indianapolis.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the county road in the county of Marion, beginning at Pennsylvania street, in Indianapolis, and running to the point of intersection of said road, with the state road, leading from the Ohio line, to Winchester, as laid off, and marked by John Way, Joshua Foster and Jesse Mooreman, shall be and is hereby declared to be a permanent state road; and to be, and form a part of the above mentioned road, from Winchester to Indianapolis, and so much of the last mentioned road, as lies between Indianapolis, and the aforesaid point of intersection, shall be and is hereby vacated.

This act shall take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XLIV.

AN ACT attaching part of the county of Harrison to the county of Floyd.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that part of the county of Harrison, contained in the following boundary, to wit: commencing on the line of that part dividing the said counties of Harrison and Floyd, at the north east corner of section sixteen, in township three, south of range five east, thence west with the line dividing sections sixteen and

Boundary
of that part
of Harrison
county at-
tached to
Floyd.

nine; to the south west corner of section nine; thence north, with the line dividing sections eight and nine, to the south east corner of section five; thence west, with the line dividing sections five and eight, to the south west corner of section five; thence north with the line dividing sections five and six, to the north west corner of section thirty two, in township two, in range five; thence west with the line dividing sections thirty and thirty one, to the south west corner of section thirty; thence north with the range line, to the south west corner of section eighteen; thence west with the line dividing sections thirteen and twenty four, in township two, in range four, to the south west corner of section thirteen; thence north with the line dividing sections thirteen and fourteen, in said range, to the south west corner of Floyd county, shall hereafter be attached to, and form a part of the county of Floyd: Provided that all suits, pleas, complaints, actions and proceedings, which shall have been commenced, law, and collection of revenue, instituted and pending, within the said county of Harrison, previous to the taking effect of this act, shall be prosecuted to final effect, in the same manner, as if this act had not been passed; and the state and county tax which may be due, in that part of the said county of Harrison, hereby attached to the county of Floyd, shall be collected and paid in the same manner, and by the same officers, as if this act had not been passed.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER XLV.

AN ACT to amend an act—approved, January 29th, 1818, entitled “an act, authorizing the granting of letters testamentary, and letters of administration, for the settlement of intestate estates, and for other purposes.”

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That whenever it shall appear to the satisfaction of the associate judges, judges or or court of probate of any county, in this state, by the petition of any guardian or guardians, of any minor or minors, being the owner or owners of any real estate in such county, that such minor or minors have not a sufficiency of personal estate, rights or credits, to raise and educate him, her, or them, and defray the charges, on his, her, or their real estate; it shall and may be lawful, for such associate judges, or court of probate, to order a sale, of so much of such real estate, as they may deem necessary, for the purposes aforesaid, at public auction, to the highest bidder; on giving thirty days previous notice, of the time and place of such sale, by publication in some newspaper, printed in the county; or by a sufficient number of manuscript advertisements; which shall be on such credit, as said judges or probate court may direct, payable with lawful interest: Pro- vided however, that the said guardian or guardians, at the time of obtaining the said order of sale, shall enter into bond, in such sum, as the said court may direct, with security to be approved of by the said judges, conditioned for the faithful application of the monies arising from the said sale.

SEC. 2. The said guardian or guardians, on sale being made, of any real estate, in pursuance of such order, shall take bond from the purchaser or purchasers, for the payment of the consideration money, and convey to the purchaser or purchasers the estate so sold, in the

They shall make a report of such sales to the clerk of the proper county.

Widow may retain such articles as she may select not exceeding \$100.

Executor or administrator not compelled to sue insolvent debtors.

Proviso, they shall file claims.

same manner, as is prescribed by the thirty fifth section of the act, to which this is an amendment; and the said guardian or guardians, shall make out and return to the clerk's office of the proper county, a correct report of such sale, by the next term of such court; and shall account for the money arising from such sale, in like manner, as for the other estate of such minor or minors.

SEC. 3. Whenever any person in this state shall die, leaving a widow, with or without a child or children under age, such widow shall be allowed to retain for her or their comfort, such articles as she may select, not exceeding one hundred dollars in value, to be valued by the persons appointed to appraise the estate of said decedant, which shall not be liable for any debt of the decedant, or to distress for rent, and for which, she shall not be bound to account in any way whatever.

SEC. 4. That in all cases, when any person or persons have heretofore died, or shall hereafter die, either testate or intestate, leaving outstanding debts, either by bond, note, bill or otherwise; due to his, her or their estate or estates, from any person or persons whatever, who have heretofore become insolvent, or may hereafter become insolvent, and unable to pay such debt or debts, or any part thereof; it shall not be necessary for any administrator or executor of such estate, to commence suit, against any such debtor or debtors, but the judges of the probate court for the proper county, are hereby authorized and required, upon satisfactory evidence of such insolvency, to permit such administrator or executor to settle up said estate, as if such debt or debts had never existed: Provided that all such debts shall be filed by such administrator or executor in the office of said probate court, for the use and benefit of all persons concerned.

SEC. 5. It shall be the duty of the circuit

court in term time, to act as a probate court in all cases where either, or both the associate judges are concerned as administrators, or guardians, and to determine and settle all business under the same rules and regulations, as are provided in the act to which this is an amendment.

SEC. 6. In all cases where either or both the associate judges, shall enter into bond or bonds, as administrators or guardians, the said bond shall be made payable to the presiding judge of the circuit court of the county, where such bond shall be taken, and to his successor in office: Provided however, that whenever the clerk of the circuit court does not take good and sufficient security, it shall be the duty of the president judge of said court, to require additional security, and should such additional security be refused, said letters of administration, or letters testamentary, shall be revoked, and others granted.

SEC. 7. Where two or more persons are the joint owners of any real estate, lying in one, or more counties, it shall be lawful for the said persons, either by themselves, if of lawful age, or by their guardians if under age, to make application to the court of any one of said counties, under the provisions of the law, providing for the partition of real estate, who are hereby authorized to make such order relative thereto, as they could have made, had the whole of such real estate been situate in the county, where such application is made.

SEC. 8. That in all cases of judgment against an executor or administrator, executors or administrators, to be levied of the goods and chattels of the testator or intestate, after a return of no goods and chattels, to a fieri facias issued upon such judgment, the plaintiff may file a suggestion in the court where such judgment is had, of the waste of the assets, with which the said executor or administrator, executors or administrators, should have satisfied the said judgment;

and may thereon, have a scire facias against such executor or executors, administrator or administrators, for him or them, to shew cause, why execution should not be had, for the amount of said judgment, personally against him or them; and such further proceedings shall be had thereon to final judgment, as in actions of debt suggesting a devastavit.

SEC. 9. That hereafter every person who may be appointed or chosen guardian of any infant or infants, and who may thereby become invested with the controul and disposition, of any personal or real estate of such infant or infants, shall before undertaking the trust imposed, give bond with sufficient security, to be approved by the circuit court, and with a penalty, in double the amount of the estate to be intrusted to him or her, as the case may be, conditioned for the faithful performance of the trust reposed in him, her or them and for truly accounting, delivering and paying over, to his, her or their ward, whatever he, she or they may be entitled to, on the renunciation or termination of his, her or their guardianship; the said bond to be made payable to the ward or wards of such guardian or guardians. It shall be the duty of all guardians to take special care of the person or persons of their respective wards.

SEC. 10. In all cases where scire facias shall issue upon judgment quando acciderint, it shall be lawful for the plaintiff in scire facias to give in evidence, on the trial of the same assets which had come to the hands of the executors or administrators, before the issuing of the writ, upon which the judgment quando acciderint, shall have been founded; and also all assets which shall have come to the hands of said executors or administrators, either before or after the plea of plene administravit pleaded.

Evidence may be given of assets in hands of executors prior to judgment quando acciderint.

SEC. 11. That the eighth section of the act Repealed to which this is an amendment, be and the same is hereby repealed.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 9, 1823.

WILLIAM HENDRICKS.

CHAPTER XLVI.

AN ACT to limit the stay of execution, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly* Stay of execution on debts, &c. after the 1st day of June next. *of the state of Indiana,* That if any person against whom judgment may be rendered in any court in this state, on any debt, contract, or cause of action, contracted after the first day of June next, shall enter such bail as shall be deemed sufficient security for the amount of such judgment, interests and costs, and shall have the same entered on the docket or record of the justice or court who gave such judgment; such person shall have stay of execution, if the sum shall not exceed six dollars, thirty days; if over six, and not exceeding twelve dollars, sixty days; if over twelve and not exceeding twenty dollars, ninety days; if over twenty and not exceeding forty dollars, one hundred and twenty days; if over forty and not exceeding one hundred dollars, one hundred and fifty days; and if over one hundred dollars, one hundred and eighty days: and that when such stay shall expire, the real as well as personal property of the defendant, shall be sold for the best price it will bring, without a jury of inquest.

SEC. 2. That hereafter when any execution may issue to any officer in this state, against any defendant or defendants, it shall be the duty of

Certain property exempt from execution. such officer, to recognize as exempt from execution, such of the tools of a mechanic, or books of a professional man, as he may own and select, at the time any execution may be in the hands of any officer of this state, not exceeding fifty dollars in value: Provided, the tools and books exempted by this act, and the property exempted from execution by any law of this state, shall not together, exceed one hundred dollars, and, if any difference of opinion shall take place between the officer and debtor, as to the value of any of the said articles, the officer may choose one man, and the debtor another, to whom shall be administered an oath, by the officer aforesaid, well and truly to value the property so selected as aforesaid; and if the persons chosen as aforesaid, disagree in estimating the value of the property, it shall be the duty of the officer having the execution, to value the articles that may be selected by the debtor, which shall be and remain free and exempt ever afterwards from execution.

Debtor to select property in certain cases.

SEC. 3. If any debtor to whom are exempted certain articles from execution, under the laws heretofore existing in this state, shall not be the owner of any or all the articles specified in the law; such debtor shall be authorized to select any other articles he may own, not to exceed the value of the articles exempted by law, of which such debtor may be destitute, which in case of any difference of opinion as to the value thereof, may be valued and governed in all respects as is prescribed in a former section of this act, for settling difference of opinion.

When property is levied upon, sheriffs, &c. to take delivery bond.

SEC. 4. Whenever hereafter any property is levied upon by any sheriff or other officer in this state, such sheriff or officer may, and he is hereby authorized, to take bond with security to his acceptance, in double the amount of property levied upon, payable to the execution plaintiff, conditioned that such execution debtor shall well and truly deliver such property at such time and

place, as the sheriff or other officer may name in the bond, before the day of sale, to be sold according to law, which bond shall be valid in law, and an action may be had thereon, when ever a right may accrue to any party aggrieved, by a breach of the condition thereof, and on judgment had thereon, there shall be no stay of execution. An action may be had thereon.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XLVII.

AN ACT to provide for Judicial Circuits, and fixing the times of holding courts therein, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the county of Montgomery shall be attached to the first judicial circuit in this state, and the courts in said county shall be holden on the Thursdays preceding the days on which the circuit court sits in the county of Putnam, and shall sit three days if the business shall require it. Montgomery county attached to 1st circuit.

SEC. 2. The counties of Jefferson, Scott, Jennings, Jackson, Washington, Harrison, Floyd, and Clark, shall compose the second judicial circuit; and the courts in the said circuit, shall be holden on the days and times following, to wit: in the county of Jefferson, on the first Monday in February, May and September; in the county of Scott, on the third Mondays in February, May and September; in the county of Jennings, on the fourth Mondays in February, May and September; in the county of Jackson, on the first Mondays in March, June and October; in the Courts, when and where held in 2d circuit.

county of Washington, on the second Mondays in March, June and October; in the county of Harrison, on the third Mondays in March, June and October; in the county of Floyd, on the first Mondays in April and July, and on the second Monday in November; in the county of Clark on the second Mondays in April and August, and on the third Monday in November; and in the counties of Harrison, Jefferson and Clark, the circuit courts shall sit twelve days at each term, if the business shall require it; and in the counties of Scott, Jennings, Jackson, Washington and Floyd, the circuit court shall sit six days at each term if the business require it.

When and
where hold
en in 3d
circuit.

SEC. 3. The counties of Henry and Rush shall be attached to the third judicial circuit: and the circuit courts in the county of Ripley, Switzerland, Dearborn, Franklin, Union and Fayette, shall sit on the days and times as heretofore, and the circuit courts in the county of Wayne, shall commence as heretofore, and shall sit nine days if the business require it; in the county of Randolph, on the second Thursdays after the commencement of the courts in Wayne, and shall sit three days if the business require it; in the county of Henry, on Monday next after the rising of the courts in Randolph, and shall sit three days if the business require it; and in the county of of Rush, on the Thursdays next after the commencement of the courts in Henry, and shall sit three days if the business require it.

When and
where hold
en in 5th
circuit.

SEC. 4. The counties of Lawrence, Monroe, Green, Owen, Morgan, Johnson, Bartholomew, Decatur, Shelby, Marion, Hamilton and Madison shall compose the fifth judicial circuit, and the circuit courts in the several counties, in the circuit aforesaid, shall be holden on the days and times following, to wit: in the county of Lawrence, on the third Mondays in March, July and September; in the county of Monroe, on the fourth Mondays in March, July and September; in the

county of Green, on the fifth Mondays in March and September; in the county of Owen, on the Thursdays next succeeding the fifth Mondays in March and September; in the county of Morgan, on the first Mondays in April and October; in the county of Johnson, on the Thursdays next succeeding the second Mondays in April and October; in the county of Bartholomew, on the third Mondays in April and October; in the county of Decatur, on the fourth Mondays in April and October; in the county of Shelby, on the Thursday next succeeding the fourth Mondays in April and October; in the county of Marion, on the first Mondays in May and November; in the county of Madison, on the second Mondays in May and November; in the county of Hamilton, on the Thursdays next succeeding the second Mondays in May and November; in the above named counties of Lawrence, Monroe, Bartholomew and Marion, the said courts shall sit six days at each term if the business require it, and in the said counties of Green, Owen, Morgan, Johnson, Decatur, Shelby, Madison and Hamilton, the courts shall sit three days at each term, if the business require it.

SEC. 5. All writs and process heretofore is- Writs &c.
sued out of any of the courts aforesaid, shall returnable
be deemed and taken as being returnable to the to the first
first days of the terms, as fixed in this act; any days of the
thing in the said writs and process to the con- terms
trary notwithstanding.

SEC. 6. The circuit and all other courts for the Courts,
county of Spencer, shall hereafter be holden at when held
the court house in Rockport. in Spencer.

This act shall be in force from and after its
passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XLVIII.

AN ACT supplemental to an act, to amend the act, reducing into one act, all the acts and parts of acts now in force in this state, regulating proceedings in actions at law and suits in chancery.

When cl'k. may issue alias, &c.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That if in any action at law, or suit in chancery, the process shall not be returned "executed" on the return day thereof, the clerk of the court may issue an alias pluries or other process, without any order of the court therefor, or if the process be returned executed as to one or more of the several defendants, and not found as to others, it shall be lawful for

When plaintiff may suggest return, and proceed to final judgment.

the plaintiff to suggest such return upon the record, and to proceed to final judgment and execution against the defendant or defendants, upon whom the process was returned served, and may at any time afterwards proceed against the defendant or defendants, not found by the officer, or the plaintiff, at his election, at the return of not found by the officer against a resident defendant or defendants, may take out an attachment against the goods and chattels, lands and tenements of such defendant or defendants, upon his, her or their first making and filing affidavit in the clerk's office, and entering into and filing bond with security in all respects as in other cases of attachment, which shall be proceeded upon to final judgment and execution as is provided for in cases of domestic attachment.

When plaintiff may take out attachment.

SEC. 2. That from and after the publication of this act, in all capital cases prosecuted in any court of record, each party accused shall have the right of challenging twenty jurors peremptorily, and in all cases of felony, where the punishment is stripes or confinement in the state prison to hard labour, each party accused shall have the right of challenging of ten jurors, peremptorily,

Peremptory challenges in capital cases, felony and other cases.

and in all other cases, each party shall have the right of challenging three jurors peremptorily and no more.

SEC. 3. In all cases of prosecutions in any court of record, when the defendant upon arraignment on any indictment, shall stand mute, the court before whom the said defendant may be arraigned, shall cause the plea of "not guilty" to be filed for the said defendant, and to proceed to trial, judgment and execution, as if the said defendant had pleaded not guilty to the indictment.

SEC. 4. That in all cases hereafter, when a bill in chancery is or may be filed in any of the circuit courts of this state, and the defendant or person or persons, against whom the subpoena is issued, resides in any other county, it shall be lawful for the clerk of such court, who may issue such subpoena, to direct the same to the sheriff of the county where the said defendants or any of them may reside, who is hereby directed to execute and return the same according to law.

SEC. 5. *Be it further enacted,* That in all suits instituted or to be instituted in any circuit court in this state, if the defendant, being resident at the time of suit being commenced, shall flee or remove from the county in which he was resident as aforesaid, the plaintiff or complainant, on filing an affidavit thereof, may have process issued from such court, directed to the sheriff of any other county, and upon service and return thereof, the said court issuing such process shall proceed thereon as in other cases.

SEC. 6. That hereafter in cases in chancery, if the process be returned executed on the defendant or defendants, thirty days previous to the first day of the term, to which it is made returnable, if the said defendant or defendants fail to answer to the complainants bill, at the calling of the cause, the same may be taken for confession.

sed, and decree may be had thereon; and in cases where publication is ordered against an absent defendant or defendants, upon proof of such publication by the affidavit of the editor or printer of the newspaper in which it was made, of such publication having been made for four weeks successively, at least sixty days prior to the term, the complainant may at such term, take his bill for confessed, and have a final decree thereon.

Suits against corporate bodies, commenced by declaration or bill.

Certain words in a certain act repealed.

Writs of execution, on what days returnable.

Duty of prosecuting attorney when he shall know of the commission of any offence.

SEC. 7. That suits against corporate bodies in the circuit courts and supreme court of this state, shall be commenced by declaration or bill in equity as the case may be, to be filed in the court having jurisdiction thereof, and the process thereon shall be a summons, which being returned served, the plaintiff or complainant may proceed as in like cases against natural persons after process executed to judgment and execution, and the words "which has not been or may not be" which are included in the second proviso, in the first section of the act entitled "an act supplementary to an act subjecting real and personal property to execution"—approved, January 7, 1818, be and the same is hereby repealed.

SEC. 8. That the return days of all writs of execution in the supreme court and circuit courts, shall be on the first days of the terms of said courts, and the law providing for monthly return days of executions is hereby repealed.

SEC. 9. *Be it further enacted,* That it shall be lawful for any prosecuting attorney in this state, when he shall know or be informed of the commission of any offence in his proper county, and shall know or hear of any witnesses whose testimony would be necessary to the establishment of such offence, he is hereby authorized in a precept to name such necessary witnesses and direct the clerk of the proper circuit court to issue subpoenas for such witnesses, which said clerk shall do accordingly, to appear and give evidence

to the grand jury, and it shall be the duty of the sheriffs or coroners, as the case may be, to serve the same, and the witnesses so subpoenaed shall for non-attendance or contempt, be punished as witnesses summoned in the usual manner.

SEC. 10. That hereafter when any execution shall issue upon any judgment against any person, and such person shall neglect or refuse to replevy the same, it shall be lawful for the officer in whose hands such execution shall be placed, to levy upon the property of the defendant, and advertise and sell the same upon a credit equal to the length of time such defendant might or could have replevied the same; and it shall be the duty of such officer to take from the purchaser a bond with at least two sufficient freeholders security in double the amount of the debt, conditioned for the payment of the purchase money at the time it shall become due, which bond shall be drawn in the name and favour of the execution plaintiff, and shall by such officer, be deposited in the office from which such execution is issued, and it shall be the duty of the clerk of the circuit court or the magistrate, as the case may be, to issue execution upon the bond taken as aforesaid, as soon as the same shall become due, against all the obligors, upon which execution, the clerk of the circuit court issuing the same, shall endorse that no security of any kind will be taken, but the property of the obligors real and personal, shall be sold for the best price it will bring, and the bonds taken in pursuance of this section shall have the same force and effect of judgments in binding the lands of the obligors.

SEC. 11. That notice to any sheriff or coroner, under the provisions of the eleventh section of the act subjecting real and personal estate to execution—approved, January 7, 1818, shall not hereafter be required to be longer than three days before the making any motion against such sheriff or coroner.

Execution defendant neglecting to replevy, property to be sold on a credit.

Officer to take bond from the purchaser.

Effect thereof.

Notice to sheriffs and coroners hereafter not longer than three days.

Duty of court in cases of judgment by nil dicit. SEC. 12. That the circuit court in all cases of judgment by nil dicit or default, when the matters charged in the pleadings depend upon calculation, or can be reduced to a certainty may proceed to judgment for the debt and damages, or other thing demanded, which they may determine the party is entitled to, or either party at their discretion may demand a jury to enquire into the amount of such debt and damages, or to try any issue made up in the cause, and in all cases where suitors may agree to submit any matter to the determination of the court, the said court may determine the matters so submitted without a jury, and proceed to judgment thereon as in other cases.

Repeal.

SEC. 13. The fourth section of an act, entitled "an act, reducing into one, all the acts and parts of acts now in force in this state, regulating proceedings in actions at law and suits in chancery," be and the same is hereby repealed.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XLIX.

AN ACT for the regulation of the writ of capias ad satisfaciendum, and to abolish imprisonment for debt unless for fraud.

Ca. sa. &c. not hereafter to issue, unless plaintiff make & file affidavit SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the writ of capias ad satisfaciendum, or other process to take the body, shall not be issued hereafter by any officer in this state on any judgment in civil cases, until the plaintiff or plaintiffs in the suit, his, her or their agent or attorney at law or in fact, shall first make and file an affidavit in the office of the

clerk of the court, or justice of the peace from which such writ is demanded, that the defendant or defendants, as the case may be, have monies or effects in his, her or their possession, or under his, her or their controul, sufficient to pay the amount of such judgment in whole or in part, over and above the amount allowed by law to debtors, and exempt from execution, and that such defendant or defendants refuse to deliver up such property or effects to be executed, or refuse to pay over such monies in discharge of such judgment, or secrete the same so that the ordinary final process of the law cannot be executed upon the same.

SEC. 2. The writ of capias ad satisfaciendum, or other process to take the body, shall not issue under the provisions of the first section of this act, but in cases where it shall manifestly appear by the affidavit of the plaintiff or plaintiffs as aforesaid, his, her or their agent or attorney, to the officer who is requested to issue the same, that he, she or they verily believe that the defendant or defendants are about to abscond from the state, to the injury of such creditor or creditors, or conceal himself, herself, or themselves, where the ordinary process of the law cannot reach him, her or them, until such judgment plaintiff or plaintiffs shall first have issued a writ of fieri facias against the goods and chattels, lands and tenements of such defendant or defendants, and the officer to whom the same shall be directed shall have returned thereon, no property found.

SEC. 3. Whenever hereafter any person or persons may be imprisoned pursuant to the provisions of this act, such person or persons, unless he, she or they previously procure their discharge under the several acts in force in this state for the relief of insolvent debtors, may at the next term of the circuit court after the imprisonment, on motion in a summary manner,

Ca. sa. not to issue, unless it manifestly appears by affidavit that the defendant is about to abscond, or conceal himself.

Persons imprisoned, in what manner discharged.

shew cause on oath to the court why he, she or they should be discharged from imprisonment; and if such defendant or defendants deny on oath and controvert the facts set forth in the plaintiffs affidavit, he, she or they shall be forthwith set at liberty by such court, unless the plaintiff or plaintiffs shall then and there establish the truth of the allegations in his, her or their affidavit, or fraud in the defendant or defendants, by testimony to the satisfaction of said court; in which event such defendant or defendants shall be remanded to the common goal of the county, there to remain until discharged by due course of law: Provided always, that such defendant or defendants shall on the hearing of said motion, be permitted to introduce any competent evidence in support of the same.

General is. an escape under this act, he may plead the general issue, and give this act in evidence on trial of said prosecution.
sue may be pleaded.

This act shall be in force and take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER L.

AN ACT for the formation of the county of Madison.

Madison
county
when to be
organized.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of July next, all that tract of land which is included in the following boundaries, shall constitute and form a new county, to be known and designated, by the name and style of

the county of Madison, to wit: beginning at the south west corner of the county of Henry, thence north with the line of the same, and to the township line dividing twenty and twenty one, north; thence west, to the north east corner of section five, in township twenty north, range six east; thence south twenty miles; thence west, to the north east corner of the county of Marion; thence south to the north west corner of Shelby county; thence east with the line of Shelby, until the same intersects Rush county; thence north with Rush county, to the north west corner of the same; thence east to the place of beginning.

SEC. 2. The said new county of Madison, shall from and after the first day of July next, enjoy all the rights, privileges and jurisdictions, which to separate and independent counties, do or may properly belong and appertain.

SEC. 3. Abijah Bayless, of Harrison county, William Williams, of Jackson county, Jesse Reddick, of Bartholomew county, Rollin C. Dewey, of Lawrence county, and James Dill, of Dearborn county, are hereby appointed commissioners, agreeably to an act, entitled "an act, for the fixing the seats of justice in all new counties hereafter to be laid off;" the commissioners above named, shall meet at the House of William M'Cartney, in said county of Madison, on the first Monday in September next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Marion county, to notify the said commissioners, either in person, or by written notification, of their appointment, on or before the fifteenth day of August next, and the said sheriff, of Marion county, shall be allowed therefor by the county commissioners of the county of Madison, such compensation as by them shall be deemed just and reasonable; to be paid out of the county treasury of said county of Madison, in the same manner other allowances are paid.

Commis-
sioners ap-
pointed.

When and
where to
meet.

Sheriff of
Marion to
give notice.

Courts
when to be
holden.

SEC. 4. The circuit, and other courts of the county of Madison, shall meet and be holden at the house of William M'Cartney, until suitable accommodations can be had at the county seat of said county; and so soon as the courts of said county are satisfied, that suitable accommodations are provided at the county seat of said county they shall adjourn thereto; after which time, all the courts of said county shall be held at the seat of justice thereof: Provided however, that the circuit court of said county, shall have authority to remove from the house of said M'Cartney, to any more suitable place in said county, previous to the completion of the public buildings, if they should deem the same expedient.

Ten per
cent. reserv
ed for coun
ty library.

SEC. 5. The agent who shall be appointed for said county, to superintend the sales of lots at the county seat of said county, or receive donations for said county, shall reserve ten per cent. out of the proceeds of such sales and donations, which he shall pay over to such person or persons, as by law may be authorized to receive the same, for the use of a county library for said county; which he shall pay over at such time or times, and manner, as shall be directed by law.

Public build
ings when
to be com
menced.

SEC. 6. The board of county commissioners of said county, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

County li
brary how
conducted.

SEC. 7. The same powers, privileges and authorities, that are granted to the qualified voters of Dubois county, and others named in the act, entitled "an act, incorporating a county library, in the counties therein named"—approved, January 28, 1818, to organize, conduct, and support a county library, are hereby granted to the qualified voters of said county of Madison; and the same power and authority therein granted to, and the same duties required of the several officers elected by the qualified voters of the said

county of Dubois, and other counties named in said act, for carrying into effect the provisions thereof, according to its true intent and meaning, are hereby granted to, and required of the officers who may be elected for the purpose aforesaid, by the qualified voters of said county of Madison.

SEC. 8. The said new county of Madison Attached to shall be, and is hereby attached to the fifth 5th circuit. judicial circuit.

This act shall be in force, from and after the first day of July next.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 4, 1823.

WILLIAM HENDRICKS.

CHAPTER LI.

AN ACT for the incorporation of the East Fork of White Water Toll Bridge Company.

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Robert John, Samuel Goodwin, Robert Breckenridge, James S. Coalscott, John Jacobs, and their associates be, and the same are hereby constituted a body politic and corporate, to be known by the name and style of the "East Fork of White Water Toll Bridge Company;" for the sole purpose of building a toll bridge over the east fork of White Water at the town of Brookville, where the state road leading from the line of the state of Ohio, through the town of Brookville to Indianapolis, crosses the said river; and by such name, shall have perpetual succession, with power to make and use a common seal, and the same to alter at pleasure; and moreover by such name shall have the pri-

East Fork of
White Wa-
ter Toll
Bridge Com
pany incor
porated.

vilege of suing and being sued, pleading and being impleaded, in any of the courts of this state.

Capital
\$4000.

When and
how compa-
ny shall be
organized.

May choose
an agent.

Company
may make
by-laws.

SEC. 2. The capital stock of said company shall be fixed at four thousand dollars, which shall be divided into eighty shares, of fifty dollars each, and so soon as the said Robert John, Samuel Goodwin, Robert Breckenridge, James S. Coalscott, and John Jacobs, may deem the same expedient, may proceed to procure subscriptions for the purposes aforesaid, and so soon as forty shares are subscribed, the subscribers thereto shall meet and organize said company, by electing nine of their company as managers, to conduct the concerns of the same; one of whom shall be by them chosen to preside as chairman at their meetings, both of the said board and Company: they shall also select one of their said body as secretary, and another as treasurer, who shall severally perform such duties, as may be assigned them by the by-laws, rules and regulations of said company. The said board are also hereby authorized to select some fit person, either from among, or out of their own body, whose duty it shall be to act as agent of said county, [company,] with power to make all contracts for the benefit of said company, under the direction of said board, or a majority of them, to superintend the building, and keeping in repair said bridge, to receive toll, and to perform all other duties which may be assigned him, by the rules and regulations of said company.

SEC. 3. The said company or a majority of them, shall have full power to make all such by-laws, rules and regulations, as may be necessary for the government of said company, not inconsistent with the laws and constitution of this state, or of the United States, which they shall have power to alter and amend, as they may deem expedient.

SEC. 4. The said bridge shall be built of permanent materials, with good stone abutments,

and covered with a good substantial roof; and when the said bridge is completed, the said company shall notify the commissioners of Franklin county, whose duty it shall be to appoint three respectable disinterested freeholders of said county, who shall inspect the said bridge, at the expense of the county, and if they report to said commissioners that the work is well done, and of good materials, then and in that case, the commissioners as aforesaid, shall grant to said company a toll list, setting forth the rates of toll to be paid; after which, the said company shall be authorized to receive toll accordingly, and the rates of toll so prescribed by the county commissioners, shall not be charged [changed] in less than one year, from the date of granting the same; and a copy of such rates, shall be kept set up in public view, on said bridge; and any person or persons, tearing, defacing or concealing the said list, shall on conviction thereof before any justice of the peace of said county, be fined in any sum not exceeding three dollars with costs, as in other cases; which fine when collected shall be paid in the county treasury for the use of the county.

SEC. 5. The said company shall keep the bridge in good repair; and at the expiration of fifteen years from the completing said bridge, the county commissioners or their successors in office, may if they deem it expedient, purchase said bridge, for the use of the county. The company shall choose one disinterested freeholder, and the commissioners as aforesaid another, and those freeholders choose a third, who when so chosen, shall value said bridge, and when the amount of such award shall be paid to said company, the bridge shall be the property of the county.

SEC. 6. Any person or persons who may refuse or attempt to evade the payment of toll, as prescribed by the county commissioners as aforesaid, on crossing said bridge, shall on apprehension be liable to a fine of not less than five dollars, and not more than ten dollars, for each offence, and shall be liable to a fine of not less than five dollars, and not more than ten dollars, for each offence, and shall be liable to a fine of not less than five dollars, and not more than ten dollars, for each offence.

evade pay^{ment} hension, and conviction thereof, pay double the amount of toll as prescribed as aforesaid, with cost as in other cases.

SEC. 7. This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.

RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LII.

AN ACT for the formation of a new county, out of the county of Marion, and north of Marion.

Hamilton
cty. when
organized.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first Monday in April next, all that part of the county of Marion, and north of Marion, contained in the following bounds, shall form and constitute a separate county, viz: beginning on the range line dividing ranges two and three, east of the second principal meridian, at the south west corner of section seven, in township seventeen and range three, thence running north on the said range line, to the township line dividing townships twenty and twenty one, thence east on the said township line, to the north east corner of section five, in township twenty, and range six, thence south on the section line, to the south east corner of section eight, in township seventeen, and range six, and thence west on the section line to the place of beginning.

Boundary
thereof.

SEC. 2. The said new county, shall be known and designated by the name of Hamilton, and shall enjoy all the rights, privileges and jurisdiction, which to separate and independent counties, do or may properly appertain or belong.

SEC. 3. Benjamin J. Blythe of the county of Dearborn, Martin M. Ray of the county of Fayette, John Sample of the county of Randolph, William Reddick of the county of Bartholomew, and James Wasson of the county of Sullivan, are hereby appointed commissioners agreeably to the act, entitled "an act for the fixing of seats of justice in all new counties hereafter to be laid off."

The commissioners above named shall convene at the house of William Conner, in the said county of Hamilton, on the first Monday of May next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Marion county, to notify the said commissioners either in person, or by written notification, of their appointment, on or before the fifteenth day of April next; and the said sheriff of Marion county shall receive from the said county of Hamilton, so much as the county commissioners shall deem just and reasonable, and who are hereby authorized to allow the same, out of any monies in the treasury, not otherwise appropriated, in the same manner other allowances are made.

When and
where they
shall meet.
Sheriff of
Marion
shall notify
them.

SEC. 4. That the circuit court in the county of Hamilton, shall meet and be holden at the house of William Conner, in the said county, until suitable accommodations can be had at the seat of justice, and so soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts thereto; after which time the courts of the county of Hamilton shall be holden at the county seat of said county, established as the law directs; Provided always, that the circuit court shall have authority to adjourn the court from the house of William Conner as aforesaid, to any other place, previous to the completion of the public buildings, should the said court, or a majority of them deem it expedient or necessary.

SEC. 5. The board of county commissioners

Public build- ings when to be erect- ed. of the said county of Hamilton, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings therein, pursuant to the directions of the county commissioners of said county.

Reservation of ten per centum for library. SEC. 6. The agent who shall be appointed for the sales of lots, at the county seat of the said county of Hamilton, shall reserve and receive ten per centum out of the proceeds thereof; and also ten per centum out of the proceeds of all donations made to the county, and pay the same over to such person or persons, as may be appointed by law to receive the same; for the use of a county library in the said county of Hamilton, which he shall pay over at such time or times, and place, as may be directed by law.

County li- brary how organized. SEC. 7. That the powers, privileges and authorities that are granted to the qualified voters of the county of Dubois, and others named in the act, entitled "an act incorporating a county library, in the counties therein named—approved, January 28, 1818, to organize, support and conduct a county library," are hereby granted to the qualified voters of the county of Hamilton; and the same powers, and authority therein granted to, and the same duties therein required, of the several officers, and the person or persons elected by the qualified voters of said county of Dubois, and other counties in the said act named, for carrying into effect the provisions of the act, entitled "an act to incorporate a county library in the county of Dubois, and other counties therein named," according to the true intent and meaning thereof, are hereby extended to, and required of the officers, and other persons elected by the qualified voters of the county of Hamilton.

Attached to 5th circuit. SEC. 8. The said new county of Hamilton, shall be, and is hereby attached to, and shall form a part of the fifth judicial circuit.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER LIII.

AN ACT to re-locate the seat of justice of Floyd county.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Allen D. Thom, of Crawford county, Armstrong Brandon, of Harrison county, Hugh M'Peters, of Washington county, John Carr, of Clark county and Edward Moore, of Orange county, be and they are hereby appointed commissioners to re-locate the seat of justice of Floyd county; the commissioners aforesaid, or a majority of them, shall meet at New Albany on the first Monday in March next, and after being duly sworn, shall proceed to examine the situation of said county, as well local as extent of territory; and re-locate and establish the seat of justice of said county; and shall be governed in all respects, by the provisions of an act, entitled "an act for fixing seats of justice in all new counties hereafter to be laid off."*

SEC. 2. The sheriff of Floyd county shall notify the said commissioners of the time and place, hereby appointed for them to meet, and proceed to discharge the duties assigned them by this act, for which he shall receive such compensation as by the board of county commissioners of said county, shall be deemed just and reasonable; to be paid out of the county treasury of said county of Floyd.

Com'rs. ap- pointed to re-locate the seat of justice of Floyd cty.

When and where they shall meet.

Sheriff of Floyd shall notify them.

Cts. where
holden.

SEC. 3. The circuit court and other county courts of the county of Floyd, shall meet and be holden at the house of Seth Woodruff, in the town of New-Albany, in said county of Floyd, until the seat of justice shall be established, and until suitable buildings shall be erected thereat; and so soon as the circuit court shall be satisfied that suitable accommodations can be had, at the seat of justice for said county, they shall adjourn their courts thereto; after which all the courts for the county of Floyd, shall be holden at the seat of justice, established under the provisions of this act: Provided however, that the circuit courts of said county, shall have authority to remove the court from the house of Seth Woodruff, to any other place in said county of Floyd, previous to the public buildings being completed, should the said court deem it expedient.

Reserva-
tion of ten
per cent for
county li-
brary.

SEC. 4. The agent who shall be appointed to superintend the sales of lots, at the seat of justice of said county of Floyd, or receive donations, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law, to receive the same, for the use of a county library for said county of Floyd.

Public build-
ings when
to be com-
menced.

SEC. 5. The board of county commissioners for the said county of Floyd, shall within twelve months after the seat of justice shall have been selected, under the provisions of this act, proceed to erect the necessary public buildings thereon.

Donations
restored to
the grantors

SEC. 6. That all grants or donations, which may have been heretofore made, to establish the seat of justice of Floyd county, at the town of New Albany, whether in town lots, land or other property, shall be restored to the grantors or donors thereof.

SEC. 7. That the contractors and undertakers to build a court house and jail, for said county at

New Albany, shall be, and are hereby discharged from any obligation to perform the same: Provided however, the said contractors and undertakers, shall refund all sums they may have received and collected, for the purpose of erecting such buildings, to the person or persons who may have paid the same.

This act shall be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LIV.

AN ACT to revive and continue in force an act, entitled "an act, locating certain permanent roads therein named, and for other purposes"—approved, January, 22, 1820, and the several acts amendatory thereto.

WHEREAS, it has been represented to this General Assembly, that an act locating certain permanent roads therein named, and for other purposes—approved, January 22d 1820, and two several acts amendatory thereto—approved, January 9th 1821, and January 2d, 1822, have not, so far as relates to the locating and establishing a permanent road from New Albany, via. Corydon, &c. to Princeton, been carried into effect; and in consequence thereof, great inconvenience is experienced, by the citizens of the several counties, through which the same would pass; for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all that part of former acts establishing the above several recited acts, that is necessary to establish a permanent road, from New Alba-

Contractors
discharged
on refund-
ing all mo-
nies receiv-
ed.

Preamble.

Revival of
former acts
establishing
a road from

New Albany, via Corydon to Princeton. ny in the county of Floyd, to Corydon in the county of Harrison, thence to the county seat of Crawford county, thence the nearest and best way to Princeton in the county of Gibson, be and the same are hereby revived and continued in force.

Com'rs appointed.

When and where they shall meet.

SEC. 2. That Daniel C. Lane, Levi Long, and William Boon, of the county of Harrison, Gilbert Budd of the county of Floyd, and William M'Kee of the county of Crawford, be, and they are hereby appointed commissioners, who shall meet in the town of New Albany, in the county of Floyd, on the first Monday of April next, (or any three of them) and after taking an oath or affirmation, agreeably to the several acts, to which this is a supplement, shall proceed to view, locate and lay out, the above recited road, under the same rules, regulations, and restrictions laid down, by the above recited acts, for the government of the commissioners therein named.

Allowance to com'rs.

May appoint surveyor.

How paid.

On failure to meet on the day appointed, may convene on some subsequent day.

SEC. 3. The counties through which the aforesaid road may pass, shall pay to each commissioner, one dollar and seventy five cents per day, for each and every day necessarily employed by them, in locating said road, through each county respectively; and the said commissioners are hereby authorized to employ a surveyor, for the purpose of surveying said road, and to make such compensation to him, as may be deemed reasonable and just, while he is necessarily employed by them in the above business; and the said surveyor to be paid in like manner as the said commissioners.

SEC. 4. Any three of the above named commissioners, shall be competent to view, locate, lay out and make report of the aforesaid road, agreeably to the several acts, to which this is a supplement; and if the commissioners hereby appointed, (or a sufficient number of them,) shall fail or neglect to attend, on the day and at the

place appointed, they shall meet on any other day, which may be agreed upon by said commissioners, or a majority of those, who do attend.

SEC. 5. John Bristow, of the county of Perry, Curtis Williams, of the county of Spencer, and Stephen M'Daniel, of the county of Dubois, be and they are hereby appointed commissioners to view, lay out and locate a road, from Troy in Perry county, to Portersville, in Dubois county; the commissioners aforesaid, or a majority of them shall meet at Troy, in said county of Perry, on the first Monday of June next, and after taking an oath or affirmation, for the faithful discharge of the duties of their office, shall proceed to view, lay out and locate said road, and shall be governed in all respects, by the provisions of this act, and the several acts to which this is an amendment.

SEC. 6. Gabriel Jones, of Spencer county, Zachariah Skelton, of Warwick county, and George Taylor, of Pike county, be and they are hereby appointed commissioners, to view, lay out and locate a road, from Rockport, in Spencer county, to Petersburg, in Pike county; the commissioners aforesaid, or a majority of them, shall meet at Rockport, in said county of Spencer, on the first Monday of June next, and after taking an oath, or affirmation, for the faithful discharge of the duties of their office, shall proceed to view, lay out and locate said road, and shall be governed in all respects, by the provisions of this act, and the several acts to which this is an amendment.

This act to take effect, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LV.

AN ACT to amend the acts, for the more speedy assignment of dower.

Widow, on giving no tice to heirs non-resident of the county, may have her dower assigned by application to c. p.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where the next immediate heir or heirs, of any deceased person, shall not reside within the county, where the major part of the real estate of the said decedant lies; it shall be lawful for the widow of such decedant, in order to procure the assignment of her dower, to advertise for three weeks successively, in some public newspaper, printed in said county; and if none be printed therein, then in the county nearest thereto, in which a paper shall be published, which shall be at least twenty days previous to the first day of the next term of the circuit court, to be holden for said county, that application will be made to said court, to appoint commissioners to assign and set off to the said widow, her dower as aforesaid; upon proof of which notice, it shall be the duty of the said court, to appoint three persons as commissioners, resident in the county, disinterested, and not allied to the parties, to assign and set off to the said widow, her one third part of all the lands, tenements and hereditaments, either legal or equitable, belonging to her deceased husband.

Duty of com'rs. appointed by c

SEC. 2. The said commissioners shall at some convenient time, after being so appointed, proceed to assign and set off the said dower, having first taken an oath or affirmation, before some person duly authorized to administer oaths, faithfully and impartially to discharge their duties, and after the same shall be so assigned, and set off by the said commissioners, or a majority of them, they shall make a return thereof, under their hands and seals, to the said circuit court, which upon being acknowledged by them, or a

majority of them, in open court, shall be recorded by the clerk of said court, and shall operate as a complete and effectual assignment of dower.

SEC. 3. In case the widow of such decedant shall fail or neglect to apply for the assignment of her dower, it shall and may be lawful for the heirs of such decedant, or any one of them, to advertise, and have the same set off in the same manner, as is herein before provided for the widow. Heirs may have dower assigned, widow neglecting to apply.

SEC. 4. The said commissioners shall each be entitled to one dollar and fifty cents per day for their services, and the clerk of the circuit court, the same fees, as are now or hereafter may be allowed by law, for similar services; to be paid by the person or persons, applying for the assignment of said dower. Allowance to com'rs.

SEC. 5. The dower of a married woman shall not be considered as sold, or extinguished, upon a sale of her husband's property, by virtue of any decree, execution, or mortgage; and in such cases, where any person or persons have deceased, or shall hereafter die, leaving one or more tracts of land, in which the widow may be entitled to dower, if such widow shall agree to select any particular tract, or parcel of such decedant's estate, lying together, in lieu of the dower, she may be entitled to in several tracts, the commissioners aforesaid, may set off such tract, or parcel of land to such widow, in satisfaction of her dower: Provided always, that said commissioners shall first be of opinion, that such a selection by the widow, will be advantageous to the estate of such decedant, and not exceed the value of her dower, in the several tracts. No alienations shall work an extinguishment of dower. Widow may be endowed of one entire tract.

G. W. JOHNSTON,
Speaker of the House Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LVI.

AN ACT for the apportionment of Senators and Representatives, in the counties therein named.

Representa-
tive dis-
trict.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That hereafter the counties of Marion, Madison, Hamilton, and Johnson, shall form one representative district, and be entitled to one representative; and that the counties of Henry, Rush, Decatur and Shelby, shall form one representative district, and be entitled to one representative.

When shffs.
shall meet
to compare
returns.

SEC. 2. That the sheriffs of the said several counties, composing the said first mentioned district, shall meet at the time prescribed by law, at the usual place of holding courts in Marion county, for the purpose of comparing the returns of elections; and the sheriffs of the several counties, composing the said second mentioned representative district, shall for the purpose aforesaid, meet at the usual place of holding courts in Rush county.

Senatorial
district.

Shffs. where
to meet.
Rep. dis-
trict.

SEC. 3. That the counties of Marion, Madison, Hamilton, Henry, Rush, Decatur, Shelby, and Johnson, shall form one senatorial district, and be entitled to one senator, and that the sheriffs of the several counties, composing the said senatorial district, shall for the purpose of comparing the returns of elections, meet at the usual place of holding courts in Marion county, on Monday succeeding the election.

Attached to
Sen. district
composed
of Sullivan,
&c.

SEC. 4. That the counties of Putnam, Montgomery and Wabash, shall form one representative district, and be entitled to one representative, and that the said counties of Putnam, Montgomery and Wabash, shall be attached to, and form a part of the senatorial district, composed of the counties of Sullivan, Vigo, Parke, Green, Owen and Morgan.

SEC. 5. The county commissioners of the coun-

ty of Morgan, shall have power to lay off and establish one or more townships, in the territory north of Morgan, for the purpose of holding elections, and may order an election in said township or townships, for one or more justices of the peace, as they may deem expedient, as in other cases.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LVII.

AN ACT to re-locate so much of the state road, leading from the Ohio line through Brookville to Indianapolis, as lies between that point, to which the said road is opened, and Indianapolis.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the state road laid out from the line dividing the state of Ohio, from this state through Brookville to Indianapolis, under the provisions of an act—approved, December thirty first, one thousand eight hundred and twenty one, be re-located, from that point to which it is cut and opened to Rushville, the seat of justice of Rush county, and from thence the nearest and best route to Indianapolis: and that the same commissioners, who have located said road where it now is, be, and are hereby authorized to re-locate the same.

SEC. 2. That the said commissioners shall meet at that point, at which the re-location is to commence, on the first day of April next, or at some subsequent day thereafter, which may be appointed by said commissioners, or a majority of them; at which time and place, they shall

Part of road
from Ohio
line, via.
Brookville
to Indiana-
polis re-lo-
cated.
Com'rs.
when and
where to
meet.

each of them take an oath, or affirmation, well and truly, and without fraud, to carry into execution the provisions of this act, according to the true intent and meaning thereof.

Appropriation.
SEC. 3. That so much of the appropriation towards the road, as surveyed and located at present, as remains unexpended, be, and the same is hereby appropriated to such relocated part of it; and that the same bond, which is already filed by said commissioners, under the provisions of the act, entitled "an act authorizing the laying off certain state roads in this state"—approved, 31st December 1821, be put in suit against said commissioners, in the same manner, as is prescribed by said act, in case of corruption or malfeasance, in the discharge of the several duties, hereby enjoined on them.

Road vacated.
SEC. 4. That the said road, from that point, at which the re-location is to commence, to Indianapolis, as marked at present, be and the same is hereby vacated, to all intents and purposes.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LVIII.

AN ACT to amend an act, regulating the mode of summoning and empanneling, grand and petit jurors—approved, January 28, 1818.

Be it enacted by the General Assembly of the state of Indiana, That whenever hereafter, it shall appear to the board of county commissioners, by any law in this state, fixing the times of holding circuit courts, that any term of a circuit court, is about to intervene in any county in this state, before the expiration of thirty days after the time, when it is made the duty of the county commis-

At what time jurors may be selected by com'rs.

sioners, in each and every county in this state, at their meeting in each and every year, to receive the list of taxable property, for county, and state purposes, they shall, and they are hereby authorized, to do all and every act, at their next preceding session, which is required of them by law, at the time aforesaid; and the clerks and sheriffs, and all others, shall be governed in all respects, and in the same manner as is prescribed by the act, to which this is an amendment, as if the selection of the jurors aforesaid were made at the time prescribed in the first section of said act; except, that the grand and petit jurors required by law, may be selected from the list of taxable property returned the year, preceding the next meeting for that purpose.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LIX.

AN ACT to provide for the distribution of the laws and journals of the present General Assembly.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the secretary of state, be and he is hereby authorized to employ some suitable person, to distribute the laws of state to and journals of the present General Assembly, contract for taking bond and security, for the faithful delivery of said laws and journals, to the clerks of the different counties, as hereinafter mentioned: And provided; and it shall be the duty of the secretary of state, so soon as he shall receive*

Secretary of state to distribution of laws and journals.

from such person, so employed, the receipt of the clerks of the different counties, for the number of the laws and journals, that each county may be entitled to receive, to certify the amount of such contract, which amount shall be audited by the auditor of public accounts, and paid by the treasurer of state, out of any monies appropriated for discharging the expenses of the legislative department.

SEC. 2. That forty five copies of the acts passed at the present General Assembly, shall be delivered to each of the clerks of the counties of Wayne, Franklin, Dearborn, Jefferson, Clark, Harrison, Washington, Orange and Knox; forty copies thereof, to each of the clerks of the counties of Fayette, Union, Switzerland, Jackson, Lawrence, Monroe, Sullivan, Vigo, Gibson and Posey; and thirty five copies thereof, to each of the clerks of the counties of Randolph, Ripley, Jennings, Scott, Floyd, Bartholomew, Crawford, Dubois, Martin, Parke, Owen, Green, Pike, Daviess, Vanderburgh, War- rick, Spencer, Perry, Morgan, Marion, Shelby, Putnam, Henry, Rush and Decatur, and thirty copies thereof to each of the clerks of the counties of Montgomery, Madison, Hamilton and Johnson; and to each member of the Senate fifteen copies; and each member of the House of Representatives, twelve copies of the journals: Provided however, that in all cases where there shall be no clerk in any county named in this act, that the laws and journals aforesaid, shall be delivered to the proper sheriff of such county.

What officers to have copies of laws.

SEC. 3. The Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer of State, each member of the General Assembly, each and every Judge, Justice of the Peace, Clerks of the several counties, Recorder, County Commissioner, Sheriff and Coroner, shall be entitled to and receive one

copy of the acts of the present General Assembly upon their making application to the clerks of their respective counties.

SEC. 4. That the public printer be, and he is hereby directed to print two thousand copies of the acts of the present General Assembly. ^{2000 copies to be printed.}

SEC. 5. That the secretary of state be, and he is hereby authorized and required, upon application, to furnish copies of the laws passed previous to the present session of the General Assembly, to all the officers entitled to receive the same.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LX.

AN ACT relative to the three per cent. fund.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That his excellency the Governor of this state, be and he is hereby authorized to draw on the president and directors of the state bank of Indiana, at Vincennes, and also upon the president and directors of the Corydon branch bank, at Corydon, for such sums of money, as may have been deposited in the said two several institutions, by Jonathan Jennings, the former Governor of this state, amounting in the whole, to five thousand dollars, and sufficient acquittances and discharges to give therefor, to the said Banks, on behalf of the state of Indiana: And the Governor aforesaid, shall be, and he is hereby authorized, to dispose of the said money, in such way as he may deem most advantageous to the state, either by vesting

Governor authorized to draw deposits from Vincennes bank. & Corydon branch.

the same in real esate, or exchanging it for good available funds.

To report
proceedings
SEC. 2. It shall be the duty of the Governor aforesaid, to make a report to the next General Assembly of this state, of his proceedings in the premises aforesaid.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXI.

AN ACT to attach a part of the county of Gibson, to the county of Posey.

Part of Gib-
son attach-
ed to Posey.
SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first day of January, 1823, all that part of the county of Gibson, which is included within the following bounds, be and the same is hereby attached to, and shall form a part of the county of Posey, to wit: beginning on the line dividing the said counties of Gibson and Posey, where the line dividing ranges twelve and thirteen, crosses the said county line; thence north to the section line, one mile north of the line dividing the counties aforesaid; thence west with the section line, to the middle of the Wabash river; thence down the middle of the Wabash river, to the line dividing the counties of Gibson and Posey; thence east along said line dividing Gibson and Posey, to the place of beginning.

No change
in proceed-
ings at law,
heretofore
commenced
or in the col-
lection of
taxes.
SEC. 2. All suits, pleas, complaints, actions or proceedings whatsoever, now pending, or which shall have been commenced, previous to the taking effect of this act, in that part of the county of Gibson, so attached as aforesaid, shall be prosecuted to final judgment, in the manner which they would have been, provided this act had not

been passed; and the state and county tax shall be collected by the same officers, and paid over in the same manner as they would have been, provided this act had never passed.

This act shall take effect and be in force, from and after the passage thereof.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER LXII.

AN ACT for the benefit of the heirs of the late John Fencher, deceased.

Be it enacted by the General Assembly of the state of Indiana, That William Fencher, administrator, and Jane Fencher, administratrix, of the estate of the late John Fencher, deceased, be and they are hereby authorized and required, to appropriate all money due said estate, when the same shall be collected, or so soon thereafter as may be advisable, in the purchase of real estate, at one dollar and twenty five cents per acre, for the sole use, and in the name of the infant heirs of the said deceased; in such manner as shall best promote the interest of said heirs: Provided however, that the said administrator and administratrix, shall reserve a sufficiency out of the proceeds of the said estate, for the support and education of the said infant heirs.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXIII.

AN ACT to amend the sixth section of an act, entitled "an act, authorizing a State Medical Society, in the state of Indiana."

FINES APPROPRIATED TO THE USE OF CTY. SEMINARIES.
TO WHOM APPLICABLE.
 SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all fines collected under the provisions of the act to which this is an amendment, shall be paid for the use of county seminaries; and that so much of the sixth section of the above act, as appropriates the money so collected, to the use of the State Medical Society, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That hereafter nothing contained in the aforesaid sixth section, shall be construed to include, in the penalties therein provided, any practitioner of physic or surgery, who was resident in this state, prior to the publication of the act to which this is an amendment.

G. W. JOHNSTON,
 Speaker of the House of Representatives.
 RATLIFF BOON,
 President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXIV.

AN ACT to amend the several acts regulating fees.

FEES TO OFFICERS.
 SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter there shall be allowed and paid to the following officers, the following fees, for the following services, to wit: to any justice of the peace, for issuing a precept for summoning a jury, twelve and a half cents; entering the verdict of such jury, twelve and a half cents; issuing an execution, twelve and a half cents; to the constable for sum-

moning a jury in any case, twenty five cents; attending a jury trial before a justice, twelve and a half cents; and to each and every juror sworn in a cause before a justice of the peace, twenty five cents.

SEC. 2. *Be it further enacted,* That whenever hereafter a cause may, and shall be decided, or be dismissed by a plaintiff, or when the stay which now is, or may hereafter be granted by law, on judgments before such justice shall have expired, it shall be lawful for such justice, to issue his fee bill, and place the same in the hands of the constable of his county, to be collected and paid over, in the same manner, as is now provided for by law, for the collection of other fees. But no charge or demand shall be made by any officer, for making out a fee bill, or copy thereof, any law or custom to the contrary hereof, in any wise notwithstanding.

SEC. 3. All officers to whom any fees may have become due, before the passage, of "an act, relative to costs and fee bills in this state"—approved, December 31, 1821, shall be, and they are hereby authorized to issue fee bills, and collect such fees, under the act in force, at the time such fees were created, and became due.

This act shall take effect and be in force from and after its passage.

G. W. JOHNSTON,
 Speaker of the House of Representatives.
 RATLIFF BOON,
 President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXV.

AN ACT to incorporate a public seminary, at Aurora, in the county of Dearborn.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Jesse L. Hol-

Incorporation of Aurora seminary.

man, James Walker, Robert M'Kettrick, James W. Weaver, Richard Norris, Edward Fairchild, Timothy Brown, Daniel Bartholomew, John C. Lewis, David Fisher, Elias Conwell and Martin Cosine, he and they are hereby constituted a body politic and corporate, by the name of "the Trustees of the Aurora Seminary," and by that name shall have perpetual succession, and they and their successors, enjoy and exercise, all the powers of a body politic and corporate. They may make and use a common seal, and alter the same at pleasure. They may sue and be sued, plead and be impleaded, in any court of law or equity; and may from time to time, make any by-laws, orders or regulations, they may deem necessary, for the carrying into effect, the objects of the institution, not inconsistent with the constitution or laws of this state, or of the United States.

To make by-laws.

Trustees when to meet.

May appoint a President &c.

May receive donations.

SEC. 2. The trustees or their successors, shall meet in Aurora, in the county aforesaid, on the second Monday of April next; and on the second Monday of April annually thereafter, and shall appoint a president, clerk and treasurer, of their own body, and may meet on their own adjournments, and either two of said trustees, may call a meeting by giving ten days public notice; they may fill any vacancies in their number, and a majority shall be a quorum to do business; and shall previous to their entering upon the duties of their office, severally take an oath or affirmation, faithfully and impartially to discharge the duties enjoined upon them by this act.

SEC. 3. The said trustees, and their successors, shall have power to receive a conveyance of all real estate, which has been donated, and all such real and personal estate, as may be hereafter donated, for the use of such seminary, or to purchase any property, the proceeds whereof, shall be applied for the purposes aforesaid.

SEC. 4. *Be it further enacted*, That the said

trustees or their successors, shall have full power to regulate said seminary, erect buildings, appoint tutors, and do all acts, that may be necessary for the promotion of education therein, and may collect any fines, for the breach of any of their by-laws, before any court of competent jurisdiction.

May erect buildings & appoint tutors.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 9, 1823.

WILLIAM HENDRICKS.

CHAPTER LXVI.

AN ACT to authorize the qualified voters of this state, to vote for or against a convention, for the revision of the constitution of this state.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the qualified voters of the different townships throughout this state, be and they are hereby authorized, on the first Monday of August next, when they vote for senators and representatives, to express by vote, on the same ticket, at the bottom thereof, whether they are in favor, or against calling a convention, for the revision of the constitution, of this state; which vote shall be expressed in one of the following words, to wit: "convention," or "no convention," as the case may be.

Convention or no convention.

SEC. 2. It shall be the duty of the inspectors and judges, in the different townships in each county, to receive, count, and make a true return, of all the the votes given, as contemplated in the foregoing section, at the same time, and in the same manner, that they count and make returns of votes given for senators and representatives: and it shall be the duty of the clerk of the cir-

Duties of inspectors and judges.

Duty of
clerks.

cuit court, in each and every county, throughout the state, to seal and forward to the secretary of state, on or before the first Monday of December next, a certificate under his hand and seal, of all the votes taken as aforesaid; and should any of the clerks of the circuit court, fail or neglect to perform the duty enjoined on him by this act, he shall forfeit and pay the sum of one hundred dollars for such neglect, recoverable by presentment or indictment, in any court having competent jurisdiction.

Penalty.

SEC. 3. It shall be the duty of the secretary of state, to lay before the next General Assembly, on the second Monday in December next, all the returns by him received, pursuant to the provisions of this act.

SEC. 4. It shall be the duty of the clerks of the circuit courts, when they make out the poll books, for the general election, to make out and rule, two separate columns in the same, for the purpose of tallying the votes taken, as contemplated by this act.

G. W. JOHNSTON,
Speaker of the House Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER LXVII.

AN ACT for the relief of the securities of Robert Gill, late agent of the county of Sullivan.

Be it enacted by the General Assembly of the state of Indiana, That an execution issued by the circuit court, of the county of Sullivan, upon a judgment, obtained by the library company of said county, against William Caruthers, Thomas Turman and Isaac Brokaw, the securities of Robert Gill, late agent of said county, be and

the same is hereby stayed, for the term of one year, from and after the first day of September, 1823: Provided however, that the said securities, give additional bond and security, for the payment of the said judgment, to be approved of by the clerk of the circuit court of said county.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXVIII.

AN ACT to amend an act, entitled "an act, for the formation of a new county, out of the county of Delaware"—approved, December 31, 1821.

Be it enacted by the General Assembly of the state of Indiana, That nothing in the act, to which this is an amendment, shall be so construed, as to extend the boundaries of the county of Henry, so as to interfere with the boundaries of the county of Fayette, as established by law, prior to the passage of the act, to which this is an amendment.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER LXIX.

AN ACT to authorize Polly Mosely, sole administratrix, of the estate of Enos Mosely, deceased, to sell the real estate of said deceased.

Adm'x. to
sell real es-
tate of her
husband.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Polly Mosely, sole administratrix of the estate of Enos Mosely, deceased, be and she is hereby authorized, to sell upon a credit of at least nine months, for the best price it will bring, all the real estate of the said Enos Mosely, deceased, consisting of an interest with others, amounting to one and a half shares, or one fourth part, in and of certain mills, and the ground upon which the same is erected; situated on Patoca creek, a little below Columbia, and commonly known by the name of Patoca or Columbia Mills; and a small lot of ground, near the same; and to make to the purchaser or purchasers thereof, a deed or deeds of conveyance for the same; which deed or deeds of conveyance so made, shall vest in the purchaser or purchasers, all the estate, claim, right, title and interest, which he the said deceased had, at the time of his death; and shall be as valid, and binding in law, as if the said Enos Mosely, had made such deed of conveyance, during his natural life.*

To make
conveyance
thereof.

Appropriations of proceeds of such sales.

SEC. 2. *That the said Polly Mosely, administratrix as aforesaid, shall be and she is hereby authorized, to apply so much of the monies arising from the sale of the said real estate, as may be necessary to discharge the just debts of the said deceased; and the balance if any, shall remain in the hands of the said administratrix, and by her shall be applied, to the use and benefit of the heirs, of the said deceased, in such manner as the existing laws of this state shall or may prescribe.*

SEC. 3. *That the said Polly Mosely, adminis-*

tratrix as aforesaid, shall previous to selling any of the aforesaid real estate, enter into bond and sufficient security, to be approved of by the Gibson circuit court, in at least double the amount of the value of the said real estate, with a condition, that she shall and will, truly and faithfully pay over to the legal representatives of the said deceased, (agreeably to the true intent and meaning of this act,) all monies, which shall so remain in her hands, after the just debts of said deceased are discharged.

Before sale
adm'x to
give bond.

This act shall take effect, and be in force from and after the passage thereof.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 9, 1823.

WILLIAM HENDRICKS.

CHAPTER LXX.

AN ACT authorizing the location of the seat of justice in the county of Putnam.

WHEREAS it has been represented to this General Assembly, that the commissioners heretofore appointed, to locate the seat of justice in the county of Putnam, pursuant to the provisions of the act, entitled "an act, for the formation of a new county, out of Owen and Vigo counties, and north of Owen"—approved, December 31, 1821, failed to perform the duty assigned them by said act, for remedy whereof:

Preamble

Be it enacted by the General Assembly of the state of Indiana, That Jacob Bell, of the county of Parke, Abraham Buskirk and Daniel Anderson, of the county of Monroe, Jacob Cutler, of the county of Morgan, and James Wasson, of the county of Sullivan, be and they are hereby appointed commissioners, agreeable to the act, entitled "an act, for the fixing of the seats of

Com'rs. appointed to locate the seat of justice of Putnam cty.

When and
where to
meet.

justice in all new counties, hereafter to be laid off." The commissioners above named, shall convene at the house of John Butcher, in the said county of Putnam, on the second Monday in April next, and shall immediately, or as soon thereafter as may be convenient, proceed to discharge the duties assigned them by law; and it is hereby made the duty of the sheriff of the said county of Putnam, to notify the said commissioners of their appointment, either in person or by written notification, on or before the fifteenth day of March next, and the said sheriff shall receive from the said county of Putnam, so much as the county commissioners of said county shall deem just and reasonable, who are hereby authorized to allow the same, out of any monies in the county treasury, to be paid in the same manner other allowances are paid. The said commissioners, and all other proceedings had under this act, shall be regulated and governed, in all respects, not provided for by this act, pursuant to the provisions of the acts, referred to in this act.

This act to take effect from its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 7, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXI.

AN ACT to authorize David Stewart, administrator, and Lucinda Wyman, administratrix, of the estate of George Wyman, deceased, to sell certain real estate.

Adm'r. &
adm'x. may
convey
estate.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That David Stewart, administrator, and Lucinda Wyman, administratrix, of the estate of George Wyman, deceased, or either of them, be and they are hereby authorized and required, by general warranty deed*

in fee simple, to convey to James Flynn, the tract of land lying and being in the bounds following, to wit: commencing at a half mile stake, at the junction of Whiskey Run, and Big Blue River, and runs thence north, one hundred and fifty nine poles, to the centre of section number ten, in township two, south of range two, east of the second principal meridian; thence west, fifty poles, to a hickory, one white oak and hickory pointers; thence south, eighty four poles, to a white oak, one poplar and hickory pointers; thence south forty seven east, twenty eight poles, to a stake, two white oak pointers; thence south thirty five west, seventeen poles, to a stake, one white oak, small sugartree and elm pointers, on the bank of Whiskey Run; thence down with the creek to the beginning.

Boundaries
of such con-
veyance.

This act to take effect and be in force, from and after the passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXII.

AN ACT to establish a state road from Terre Haute, to Fort Wayne.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That John M. Colman, of Vigo county, Josephus Collett, of Parke, county, and Williamson Dunn, of Montgomery county, be and they are hereby appointed commissioners to locate a state road, from Terre Haute, in Vigo county, to Fort Wayne.*

Com'rs. ap-
pointed.

SEC. 2. The said commissioners, or a majority of them, shall after having first taken an oath, before some person authorized to administer oaths, faithfully, and to the best of their abilities,

Boundaries
of said
road.

Com'rs.
shall make
out certifi-
cates, and
where de-
posited.
Road how
opened.

to execute and discharge the duties enjoined upon them by this act, proceed to mark and lay out the said road, commencing at Terre Haute, and running from thence to Racoon creek, in Parke county; striking the said creek, a short distance above the mouth; at the place commonly called the Army Ford; thence to Crawfordsville, in Montgomery county; and from thence, on the nearest and best route to Fort Wayne.

SEC. 3. The said commissioners shall make out certificates of their proceedings, under their hands and seals, together with a map or plat of said road, and shall file one copy of the same, in the clerk's office of the county of Vigo, one in the county of Parke, and another in the county of Montgomery; within ten days after the completion of the locating said road.

SEC. 4. It shall be the duty of the county commissioners of the several counties, through which the said road may pass, to cause the same to be opened in the same manner, as other county roads are opened, within one year after the same shall be located.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS

CHAPTER LXXIII.

AN ACT making general appropriations for the year eighteen hundred and twenty three.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of eight thousand five hundred dollars, be, and the same is hereby appropriated, for defraying the expenses of the present session of the General Assembly; including the pay of members, clerks and all other officers; fuel, stationary, distributing the

\$8,500 ap-
propriated
to the legis-
lative de-
partment,

laws and journals, of the present session; and all other expenses that have been, or may be incurred, during the present session.

SEC. 2. That there be appropriated, to defray the expenses of the executive department the sum of two thousand five hundred dollars.

To defray the expenses of the judiciary department, the sum of five thousand eight hundred and ninety three dollars.

In discharge of militia expenditures, including the adjutant general's salary, the sum of two hundred and fifty dollars.

In discharge of the interest on the public debt, the sum of two thousand two hundred and sixty six dollars and fourteen cents.

In discharge of claims for public printing (in addition to the sum of five hundred dollars already appropriated) the further sum of fifteen hundred dollars.

In discharge of the claim on the contingent fund, the sum of seven hundred dollars.

To defray the expenses for keeping prisoners in the state prison, the sum of five hundred dollars.

To defray the expenses of engraving ten thousand dollars in treasury notes, in pursuance of the provisions of an act—approved, December 31, 1821, the sum of one hundred and seventy five dollars.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS
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CHAPTER LXXIV.

AN ACT authorizing the executors of the last will and testament of Andrew Brooks, deceased, to sell and convey certain lands therein named.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Mary Brooks, executrix, and James Brooks, executor, of the last will and testament of Andrew Brooks, deceased, be and they are hereby authorized, to sell and convey all lands, tenements and hereditaments, which the said Andrew Brooks owned, in company with Moses Robbins and Chauncey Rose, under the firm of Andrew Brooks & Co. situated on Rackoon creek, in Parke county.

SEC. 2. The said executors, are hereby authorized, to make as good and complete titles, for the property aforesaid, either by the assignment of certificates, or by deed in fee simple, as the said Andrew Brooks could have done in his life time: Provided however, that previous to proceeding to sell the said lands, as provided for by this act, the said executor and executrix, shall give bond with security, to be approved of by the court of probate of the county of Parke, conditioned for the faithful performance of their duties herein, and for the true and faithful application of the proceeds of such sale, to and for the benefit of the estate of said testator.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXV.

AN ACT to legalize the proceedings of the Franklin and Union circuit courts, relative to the partition of certain real estate, among the heirs of Thomas Harper, deceased.

Be it enacted by the General Assembly of the state of Indiana, That the proceedings of the circuit courts, of the counties of Franklin and Union, relative to the partition of the south half of section three, township ten, and range one west, except the east half of the west quarter of said half section; and also the north half of section, number eleven, township number ten, and range one west of the meridian, in the district of lands sold at Cincinnati, and also the partition of said lands among the several heirs of said deceased, made by the commissioners appointed by the Franklin and Union circuit courts, in the year eighteen hundred and twenty two, be and the same is hereby legalized, and made as valid as if the lands aforesaid, all lay in one county.

Legaliza-
tion of the
proceedings
of the Frank-
lin and Un-
ion c. c'ts.

This act to take effect, and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS:

CHAPTER LXXVI.

AN ACT to revive and continue in force, an act, entitled "an act, to establish a permanent road from Fredonia or Leavenworth to Terre Haute—approved, January 2, 1822.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the act, of which

Com'rs. appointed to locate a road from Fredonia or Leavenworth to Terre Haute. the title is above recited, be and the same is hereby revived; and that Andrew Kincaid, of Crawford county, Philip Conrad, of Dubois county, Julius Johnson and Caleb Rinehart of Martin county, and William Harrod, of Orange county, be and they are hereby appointed commissioners, to view, locate and mark the road mentioned in said act, under the provisions and restrictions in said act prescribed. The said commissioners shall meet at Fredonia, on the first day of June next, for the purposes mentioned in said act, or at any other day, they or a majority of them, may agree upon.

When and where they shall meet. At what time c. cm's may appoint supervisors of roads. SEC. 2. The county commissioners of the several counties in this state, are hereby authorized to appoint supervisors of roads, within their respective counties at any of their regular sessions.

This act shall be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXVII.

AN ACT authorizing the agent of the Rock Lick section to grant a certain lease therein named.

Agent may lease to Mrs M'Clelland. *Be it enacted by the General Assembly of the state of Indiana, That Elisha Denny, agent of the Rock Lick reserved section in Washington county, be and he is hereby authorized to lease, to Ruth M'Clelland, that part of the quarter of said section, on which she now lives, for the term of four years, conditioned, that she make or cause to be made such repairs in*

the present improvement, and such additions thereto, as he the said agent may deem necessary, for the improvement of the tenement aforesaid; taking into consideration the length of the term, and the circumstances of the lessee, as well as the value of the improvements to future lessees. This act to take effect, from and after the first day of March next.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXVIII.

AN ACT to authorize the Governor to rent such buildings in the town of Corydon, as may be necessary for his accommodation.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the acting Governor for the time being, is hereby authorized to rent such buildings in the town of Corydon, as he may deem necessary for his accommodation, whilst he shall administer the government.* Acting Gov may rent buildings for his accommodation.

SEC. 2. This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXIX.

AN ACT in addition to an act, declaring certain streams therein named, public highways —approved, January 17, 1820.

Be it enacted by the General Assembly of the state of Indiana, That Laughery creek, in ad-

dition to the distance made a public highway, by the before mentioned act, to wit: from the mouth thereof to Hartford, shall be, and the same is hereby declared to be a public highway, from Hartford aforesaid, to the point where the state road, leading from Lawrenceburgh to Indianapolis, crosses the same; and all the provisions and regulations, by the said act, made applicable to the several streams therein named, shall be in full force, in regard to the said Laughery creek, between the mouth and the said state road.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXX.

AN ACT for the relief of Joel Charles.

Be it enacted by the General Assembly of the state of Indiana, That Joel Charles be, and he is hereby authorized and impowered, to enter and enjoy the north west quarter of section three, township one, and range two west, from and after the first day of March next, for and during, and until the full end and term of three years, from thence next ensuing; and then fully to be complete and ended, for and in consideration of patriotic exertions made, and confiscations suffered in the late war.

The said Joel Charles, shall at the expiration of the term aforesaid, peaceably deliver up the said premises, and on failure so to do, may be proceeded against, in the same name of the state of Indiana, in the same manner that other tenants holding over, may be, under the laws now in force.

Tribute to
merit.

Failing to
deliver up
how pro-
ceeded a-
gainst.

This act to take effect and be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXI.

AN ACT to dissolve the bans of matrimony between Charles Sefret, and Hetty his wife, late Hetty Mauzy.

Be it enacted by the General Assembly of the state of Indiana, That the bans of matrimony heretofore subsisting, between Charles Sefret and Hetty Sefret his wife, late Hetty Mauzy, be and the same are hereby dissolved, to all intents and purposes, as if the same had never been entered into.

This act to take effect and be in force, from and after the passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXII.

AN ACT to authorize Jesse Upton to build a mill dam across Anderson's river.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That Jesse Upton, be and he is hereby authorized to build and erect a mill dam across Anderson's river, at the place commonly known by the name of Upton's Mill Seat.*

Repeal of a part of the act of 1820. SEC. 2. *Be it further enacted*, That so much of the act, entitled "an act—approved, January 17, 1820, as declares Anderson's river navigable, to wit: from Upton's Shoals, to the Forks thereof," be and the same is hereby repealed.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXIII.

AN ACT concerning Salt Petre Caves, and for other purposes.

WHEREAS it has been represented to this General Assembly, that great loss has been sustained by the owners of stock, cattle and horses, from the use of the substance extracted from Salt Petre Caves, Epsom Salt Caves and others of different kinds, in consequence of the same having been left unenclosed by the owners or occupiers thereof, for remedy whereof:

Be it enacted by the General Assembly of the state of Indiana, That if any person or persons being the owner or owners, occupier or occupiers, of any cave of Salt Petre, Epsom Salts, or other caves of similar obnoxious qualities, who shall permit the same to remain unenclosed and exposed to the stock, cattle or horses of the neighbourhood; such person or persons so offending, shall be liable to a penalty and fine of ten dollars for every day such nuisance may be continued, recoverable as in other cases, which when collected, shall be paid over to the proper agent for county seminary purposes; and shall moreover be liable in damages to the party injured for any losses sustained by his, her or their stock, using the same; and that all persons, being the owners or occupiers, of any salt works or salt water,

Preamble

shall keep the same enclosed, under similar penalties.

G. W. JOHNSTON,
Speaker of the House Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXIV.

AN ACT to authorize the administrators of Simpson Charlton, deceased, to reassign the certificate of certain real estate for the benefit of the heirs of said deceased.

WHEREAS, it appears to this General Assembly, by the petition of Samuel Patterson and John Rodgers, administrators of the estate of Simpson Charlton, deceased, that much advantage would accrue to the heirs of said deceased, by the reassignment of a certificate for certain real estate, in the county of Clark, to the former claimant thereof, therefore:

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Samuel Patterson and John Rodgers, administrators of the estate of Simpson Charlton, late of the county of Clark, now deceased, be and they are hereby authorized and empowered to reassign or convey, to Levi Ogle and Thomas Ogle, or to any other person, the said Levi and Thomas may direct, the certificate of the register of the land office at Jeffersonville, for the south west quarter, of section number thirteen, of township number one, north of range ten east; so soon as the said Levi Ogle, delivers to the said administrators, the note given by the said Simpson Charlton, in his life time, and such other acquittances as will completely release the heirs of said deceased, from any and all responsibility of the contract heretofore exist-

ing between the said decedant, and the said Levi Ogle and others, respecting the tract of land aforesaid.

SEC. 2. The assignment made in pursuance of the provisions of this act, to the certificate for said land, shall be as binding on, and valid, against any claim of the heirs of the said Simpson Charlton, deceased, as if the same had been made by the decedant in his life time, or by the heirs themselves, when of full age.

This act to take effect and be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 9, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXV.

AN ACT for the altering of the western boundary line of Wayne county, and for other purposes therein named.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the said line, dividing Wayne and Henry counties, as fixed by the General Assembly of this state, in the year A. D. 1819, be and the same is hereby altered; the said boundary line, dividing the said counties of Wayne and Henry, to commence at the south west corner of section thirty four, in township sixteen, range twelve, east of the second principal meridian; thence north on said section line, to the line dividing towns sixteen and seventeen, crosses the said line; thence east to the section line dividing sections thirty three and thirty four; thence due north, to the north boundary line of Wayne county.*

SEC. 2. *Be it further enacted, That hereafter all that part of Henry county, falling by this*

line, within the said county of Wayne, be and the same is hereby attached to, and made a part of the county of Wayne. And all that part of the county of Wayne, which may fall by the said line, in the boundary of the county of Henry, be and the same is hereby attached to, and made a part of the county of Henry.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXVI.

AN ACT supplemental to an act, regulating the firing of woods, prairies and other lands.

Be it enacted by the General Assembly of the state of Indiana, That hereafter the proprietors and inhabitants of Fort Harrison Prairie, shall be at liberty to set fire to the grass on said prairie, on each and every Saturday in the month of November, without being liable for damages that may accrue, in consequence thereof: all laws and parts of laws to the contrary notwithstanding.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXVI.

AN ACT for the benefit of the improvers of unsold town lots in the town of Indianapolis.

Be it enacted by the General Assembly of the state of Indiana, That any person or persons

who have improved or may hereafter improve any unsold lot or lots in the town of Indianapolis, shall have the liberty of removing said improvements, within forty days after the sale of said lot or lots, by the authority of this state; but if not removed within said time, the said improvement shall be forfeited to the purchaser or purchasers of said lots.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXVIII.

AN ACT for the relief of Westill S. Calkins, and for other purposes.

Be it enacted by the General Assembly of the state of Indiana, That the board of county commissioners of the county of Clark, be and they are hereby authorized and directed, at their first annual meeting for transacting county business, in each and every year hereafter, to make an allowance to Westill S. Calkins, a pauper in said county, of such sum as they may deem reasonably sufficient for his annual and comfortable maintenance, to be under the immediate direction and controul of him the said Calkins for that purpose.

SEC. 2. The allowance authorized by this act, when made, shall, on the order of said commissioners, (which order they are hereby directed to make,) be paid out to the said Calkins, out of the county treasury, in the same manner as other claims in said county are paid.

SEC. 3. The board of county commissioners of the several counties in this state, may in their discretion, allow and pay to poor persons who

may become chargeable as paupers, and who are of mature years and sound mind, and who from their general character, will probably be benefited thereby, such annual allowance as will be equal to the charge of their maintenance, by employing the lowest bidder to keep them; the said commissioners taking the usual amount of charges in like cases as the criterion of their discretion in making such allowances; the discretion of said commissioners, as contemplated by this section, may be exercised on all proper applications.

G. W. JOHNSTON,

Speaker of the House of Representatives.

RATLIFF BOON,

President of the Senate.

Approved—January 10, 1823.

WILLIAM HENDRICKS.

CHAPTER LXXXIX.

AN ACT to provide for the safe keeping of persons charged with criminal offences.

Be it enacted by the General Assembly of the state of Indiana, That when there is no sufficient prison in any county within this state, wherein any criminal offence shall have been committed, it shall be lawful for any judge of the circuit court of such county, upon application of the sheriff thereof, to order any person charged with a criminal offence, and committed or ordered to be committed to prison, to be sent to the gaol of the county nearest, having a sufficient gaol, and the sheriff of such county shall, on exhibition of such judge's order, receive and keep in custody in the gaol of his county, the prisoner ordered to be committed as aforesaid, at the expense of the county from which such prisoner was sent; and the said sheriff shall, upon the order of the circuit court, or a judge of said county, re-deliver such prisoner, when demanded.

This act to be in force from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER XC.

AN ACT declaring Big Sand creek a public highway.

Be it enacted by the General Assembly of the state of Indiana, That Big Sand creek in the county of Jennings, from its entrance into Drift Wood river, to the junction of the Forks of said creek, in section sixteen, town nine, north of range nine east, be, and is hereby declared a public highway: Provided, that no person shall be prohibited from erecting mill dams upon the same, if suitable slopes or locks be made to said dams for the safe passage of boats or rafts.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

CHAPTER XCI.

AN ACT supplementary to an act, entitled "an act, regulating the duties of sheriffs and coroners."

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That it shall be the duty of each and every sheriff within their res-*

pective counties, to serve, execute and return all process, writs of execution and all other writs to them directed from the supreme court, who are hereby authorized so to direct them, in like manner as they are empowered to serve or execute writs and process, issued by the circuit courts within their respective counties to which they belong.

SEC. 2. The several sheriffs of the respective counties within this state, for serving or executing each and every process or writ, issued by the supreme court, shall be entitled to the same fees and privileges, as have heretofore been allowed in like cases; and moreover in addition to such fees, shall receive all monies by them paid for postage on letters enveloping such process or writs, by them received or enclosed, to and from the place of sitting of the said supreme court, which postage shall be returned as a distinct item of charge.

SEC. 3. The sheriffs of each county for malfeasance or neglect of any duty pertaining to the service or execution of any of the aforesaid process or writs, shall incur the like responsibilities, and be subject to the like fines and penalties as have heretofore been inflicted for the neglect or violation of the like duties.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 8, 1823.

WILLIAM HENDRICKS.

CHAPTER XCII.

AN ACT making specific appropriations for the year 1823.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana, That the principal and*

Assistant secretary of the Senate, and the principal and assistant clerks, of the House of Representatives, be allowed each, the sum of three dollars and fifty cents per day, for each and every day they have served as such, during the present session; that the enrolling secretary of the Senate, be allowed the sum of three dollars and fifty cents; and enrolling clerk of the House of Representatives be allowed the sum of three dollars per day, for each and every day they shall have served as such, during the present session; the door keepers of the Senate and House of Representatives each, the sum of two dollars per day;—the sergeant-at-arms to the Senate, the sum of three dollars per day, for each day he may have served as such during the present session.

That William Daggs be allowed the sum of fifty five cents per day for furnishing fuel, for both Houses of the present General Assembly.

That Truitt and Thomasson, be allowed the sum of one hundred and sixty six dollars, and seventy one cents, for furnishing stationary for the present General Assembly.

That Lucius H. Scott, be allowed the sum of thirty three dollars, and Isaac Lambert, John Hamilton, D. Deming and Ira Allen, each, be allowed the sum of seventeen dollars and twenty cents, for attending as witnesses on the trial of the impeachment against Curtis Gilbert, clerk of the circuit court of Vigo county, at the last session of the General Assembly.

To John D. Hay, for stationary furnished the commissioner, to receive testimony of deeds lost by fire at Vincennes, the sum of fifteen dollars and twenty five cents.

To Robert A. New, secretary of state, for his extra services, in making contracts for printing, stationary and distributing the laws and journals, the additional sum of thirty dollars.

To Thomas Posey, for postage paid A. Bran-

don, post master at Corydon, on letters directed to the Speaker of the House of Representatives, at the present session, enclosing returns of election for Governor and Lieutenant Governor, the sum of two dollars and twenty five cents.

To the heirs and legal representatives of Charles Smith, deceased, for a territorial warrant, dated January 23d 1811, together with interest, the sum of fifty five dollars and forty one cents.

To Thomas Highfill, for fixing and repairing stoves in the Representative Hall, the sum of three dollars and seventy five cents.

To James Overalls, for preparing the chambers of the Senate and House of Representatives, for the reception of the General Assembly the sum of two dollars.

To Martin M. Ray, for services rendered this General Assembly, under a resolution on the subject of the revisor of the statute laws of this state, the sum of eight dollars.

To Nathaniel Ewing for services as a commissioner to receive testimony of deeds, lost by fire at Vincennes, in 1814, under a law of the Indiana territory, the sum of fifteen dollars.

SEC. 2. That the auditor of public accounts shall audit the several sums hereby allowed, and the treasurer of state shall pay the same, out of any monies in the treasury appropriated for the expenses of the legislative department.

SEC. 3. That the sum of ninety two dollars and fifty cents be allowed to Joseph Paddacks, sheriff of Harrison county, for attending on the supreme court, 37 days at their May and November term, in the year 1822, also the sum of nineteen dollars for fuel furnished said court, to be paid out of monies that may be appropriated for discharging the claims of the judiciary department; and that Looker and Reynolds, be allowed the sum of twenty dollars for advertising the sales of lots in Indianapolis, to be paid out of any mo-

monies in the treasury, that now are, or hereafter may be paid into the treasury, by the agent at Indianapolis.

That the sum of one hundred dollars be allowed the executive officers in payment of postage, for the ensuing year to be paid out of the contingent fund on the order of the Governor.

To William H. Lilly, auditor of public accounts, for stationary, used in his office to the present time, to be paid out of any monies for discharging the claims of the executive department, the sum of five dollars.

To Ratliff Boon, esquire, lieutenant governor, whilst exercising the gubernatorial functions for house rent, the sum of forty four dollars and forty four cents; and to the same for postage advanced, to the post-master at Corydon, during the same period, the sum of six dollars and twenty five cents, to be paid out of the monies appropriated for the executive department.

SEC. 4. That the sum of twenty five hundred dollars, be and the same is hereby appropriated, in part discharge, of the sum of eight thousand dollars, donated to the county of Marion, for the purpose of erecting a court house for said county, and the auditor shall audit the same, in the name of the board of commissioners, of Marion county; and the treasurer shall pay the same, out of the monies remaining in the treasury, being the proceeds of the sales of lots at Indianapolis; Provided, and it is hereby expressly enacted, that if the said board of commissioners, accept of the said appropriation, they shall at a special term to be held on the third Monday in February, 1823, enter an order on their record, that the said court house, when erected, shall be at the disposal of the legislature, as a house, in which to hold their sessions, till the year 1875; and that an appropriate chamber therein, be at the disposal of the supreme court of judicature, of this state forever.

SEC. 5. That the sum of thirty dollars, be al-

lowed Francis N. Moore, for his services as sergeant-at-arms, in addition to his allowance during the last session of the General Assembly, also three dollars per day for his services as assistant sergeant-at-arms, to the Senate during the present session.

That Henry P. Coburn be allowed the sum of fifty seven dollars and ten cents, for books and stationary furnished by him, for the use of the supreme court.

To William Hurst for making a writing desk, and plat form, for the Senate chamber, and repairing a chest, twenty dollars.

To William Harris for making a map six dollars.

To Reuben W. Kidder, John H. Farnham, and John W. Payne, ten dollars each, as a compensation for professional services, on the trial of the impeachment of John Tresenriter, a justice of peace of Harrison county.

To Samuel Merrill, treasurer of state, fifteen dollars, for his trouble in re-issuing treasury notes.

That Martin M. Ray be allowed one dollar, for every day, from the time he was elected sergeant-at-arms, until he was sworn into office, excepting out of said time, the period of his visiting Salem in Washington county, on business of the Legislature.

That the sum of thirty four dollars, be allowed George Bradford, late collector of the state revenue, for the year 1821, in the county of Clark, for monies by him expended in re-exposing to sale, for state revenue, certain lands of non-residents in said county of Clark, on which no sale was effected.

To Israel Butt, the sum of six dollars twenty five cents, for repairing and setting up two stoves, laying with steel one axe, and grinding the same.

To his excellency the Governor, the sum of two hundred dollars, for defraying the expenses of house rent.

This act to be in force, from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

JOINT RESOLUTIONS.

A joint resolution of the General Assembly, relative to the revision of the statute laws of this state.

Resolved by the General Assembly of the state of Indiana, That Martin M. Ray be appointed to wait on the honourable Benjamin Parke, with a copy of this resolution, and to learn of him how far he has progressed in the revision of the statute laws of this state, pursuant to a law of the last General Assembly; and report the same to this General Assembly without delay.

This resolution to take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 7, 1822.

WILLIAM HENDRICKS.

A joint resolution respecting printing.

WHEREAS, the 22d section of the 3d article of the constitution provides, that the annual reports of the Auditor and Treasurer, shall be attached to the laws of each annual session. And whereas, this was omitted, through inattention at the last session; for remedy of the omission and in compliance with the constitution,

Resolved by the General Assembly of the state of Indiana, that the secretary of state, as the committee to superintend the printing of the laws &c. be, and he is hereby instructed and directed to take from the archives of the House of Representatives, the original reports of the auditor and treas-

rer of state, made at the last session, as also, those to the present General Assembly, and cause them to be printed in the order they were made, at the end of the laws of the present session.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 26, 1822.

WILLIAM HENDRICKS.

A joint resolution to authorize the auditor of state, to audit the allowance of the sheriff of Fayette county, for a part of the state revenue for the year 1819.

WHEREAS, the board of county commissioners for Fayette county, pursuant to an act of the General Assembly, at the last session, allowed to John M. Wilson, sheriff of Fayette county, the sum of fifty one dollars and thirty one cents, for delinquents for the non-payment of state revenue for the year 1819, for said county; and the said sheriff having before said allowance, liquidated the tax for said year in full with the auditor of state.

Resolved by the General Assembly of the state of Indiana, That the auditor of state, be, and he is hereby authorized to audit the said sum of fifty one dollars, and thirty one cents, and place the same to the credit of the said John M. Wilson, in liquidation of the state revenue for said county, for the year eighteen hundred and twenty.

This resolution to take effect from and after its passage.

G. W. JOHNSTON,
Speaker of the House Representatives.
RATLIFF BOON,
President of the Senate.

Approved—December 31st 1822.

WILLIAM HENDRICKS.

A joint resolution for the benefit of the public printers.

Resolved by the General Assembly of the state of Indiana, That the auditor of public accounts, be, and he is hereby directed to audit, and the treasurer of state is hereby directed to pay to Carpenter and Douglass, the sum of five hundred dollars in treasury notes, out of any money in the treasury not otherwise appropriated, in part of the compensation to be allowed for the public printing, for the present session of the General Assembly; and that the sum of five hundred dollars be, and the same is hereby appropriated for that purpose.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

A joint resolution authorizing the public printer to print certain acts therein named.

Resolved by the General Assembly of the state of Indiana, That the public printer be, and he is hereby authorized, forthwith to print two hundred and fifty copies of each of the following acts, to wit:

1. An act to provide for judicial circuits, and fixing the times of holding courts, and for other purposes.
2. An act limiting the stay of execution, and for other purposes.
3. An act to regulate the writ of *capias ad satisfaciendum*, and to abolish imprisonment for debt, unless for fraud.
4. An act to amend an act, entitled an act, to reduce into one act, all acts and parts of acts, now in force in this state, regulating proceedings in actions at law and suits in chancery.

And be it hereby further resolved, That it shall be the duty of the secretary of state, to furnish the public printer with copies of the said acts for the purposes aforesaid; and it shall be the duty of the said printer to transmit four copies

of each of the said acts to each of the members of this General Assembly, to the counties from whence they were severally elected, as soon as the same can be printed.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

A joint resolution relative to the National Road.

Resolved by the Senate and House of Representatives of the General Assembly of the state of Indiana, That the construction of the National Road from Wheeling to the Mississippi, is a work of great and general importance to the Union, and to the western states.

Resolved, that our representative in Congress, be requested, and our senators instructed, to use their utmost exertions to effect the object of the above resolution, by obtaining from Congress appropriations of money, or the issue of scrip for that purpose; and that the president of the Senate forward to each of them a copy of these resolutions.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 11, 1823.

WILLIAM HENDRICKS.

A joint resolution of the General Assembly, relative to the Illinois Grant in Clark county.

WHEREAS, it is represented to this General Assembly, that the citizens of that part of Clark county, known by the name of the Illinois Grant, are subjected to great inconvenience in consequence not only of the evidences of title to real estate being deposited in another state, and beyond the controul of the laws of this state, but because there is now no legal board of commissioners existing to perform

the duties required of them under the acts of the General Assembly of the state of Virginia, donating said grant, and providing for the making of titles to claimants under said donation:

Be it therefore resolved by the General Assembly of the state of Indiana, That the governor be requested without delay, to apply to the governor of the state of Virginia, and request his friendly interposition in recommending to the General Assembly of that state, the passage of an act providing for the delivery of the records and papers relating to the Illinois Grant, now deposited in Jefferson county, Kentucky, with one of the commissioners originally appointed and authorized by the state of Virginia, to take charge of the same, to the recorder of Clark county, or such other officer as may be authorized by this General Assembly, to receive the same on his making demand thereof.

And whereas the trust originally confided to the commissioners appointed on the part of Virginia, still remains to a considerable extent unexecuted, and numerous claims exist to lands, the title to which is not yet perfected:

Be it further resolved, That John K. Graham of Floyd county, Joseph Bartholomew, James Beggs, Andrew P. Hay, Orlando Raymond, Stephen Hutchins and Benjamin Ferguson, citizens of Clark county, be hereby recommended as commissioners to be appointed by the General Assembly of Virginia, to carry into effect the residue of the trust originally committed to the old commissioners, and to execute deeds and make titles to all such claimants who have not hitherto received the same, as shall shew themselves legally entitled thereto, under the laws of Virginia, relative to said Grant; which commissioners shall discharge the duties aforesaid, until commissioners are appointed by the authority of this state.

Be it further resolved, That three copies of this and the preceding resolutions be enrolled and transmitted, by the governor of this state, one to the governor, one to the presi-

dent of the senate, and one to the speaker of the house of delegates of said state.

G. W. JOHNSTON,
Speaker of the House of Representatives.
RATLIFF BOON,
President of the Senate.

Approved—January 6, 1823.

WILLIAM HENDRICKS.

REPORTS

OF THE TREASURER OF STATE AND AUDITOR OF PUBLIC ACCOUNTS, FOR THE YEARS, 1821, & 1822.

Treasury Department, 21st December, 1821.

To the honorable,

The President of the Senate,

SIR—I herewith transmit you my annual report for the year 1821.

Yours respectfully,

D. C. LANE, *Treasurer.*

The treasurer, in obedience to an act of the General Assembly, entitled "an act concerning the auditor of public accounts, and treasurer of state," submits the following report:

That there was remaining in the hands of the treasurer, on the 27th day of November, 1820, the sum of	\$ 146 96½
That from the 27th day of November, 1820, to the 17th day of November, 1821, there has been received on loan, the sum of	1,800 00
Within the periods above mentioned, there has been paid into the treasury, by sundry sheriffs and other collectors of the revenue, due the state for the year 1820, and also for arrearages due for prior years, the sum of	11,144 59
From the sheriffs of Jefferson, Jennings and Pike, for the year 1821, the sum of	677 00
There has been received from the superintendants of Salt Lick reserved sections, the sum of	256 00
From the late sheriff of Harrison county, on execution against sundry citizens of Harrison county, the sum of	91 00
From the sale of depreciated bank paper, the sum of	26 56
In addition to which, there has been received from his excellency, Jonathan Jennings, treasury notes to the amount of	10,000 00

Making a sum total of 24,142 11½

Within the periods above mentioned, there has been paid at the treasury, in discharge of the contingent expenses of government, \$ 501 86
 In payment of the officers of the executive, 2,300 00
 In payment of the members of the General Assembly, and incidental expenses attendant thereon, embracing also the postage on letters, the allowance to agents of Salt Lick reserves, for the enumeration of the white male inhabitants of this state, and compensation to the commissioner who ran the state line, the sum of 9,180 45
 In payment of the officers of the judiciary, the sum of 5,501 72
 In payment for wolves destroyed, the sum of 90 00
 In payment of the interest on the loan, 1,800 00
 In the payment of the militia claims, the sum of 242 29
 In the depreciation of bank paper, the sum of 99 00

Making the sum total of \$19,715 32

Leaving a balance in the hands of the treasurer on this day, of 4,426 79
 All of which is respectfully submitted.

D. C. LANE, *Treasurer.*

AUDITOR'S OFFICE, NOV. 21, 1821.

To the honorable,
The President of the Senate,

SIR,

In obedience to an act of the General Assembly, entitled "an act concerning the auditor of public accounts, and treasurer of state," I herewith transmit you my annual report.

I have the honor to be,
 Very respectfully,

Yours, &c.

Wm. H. LILLY,

Aud. of Pub. Accounts

The auditor, in obedience to an act of the General Assembly, entitled "an act concerning the auditor and treasurer of state," submits the following report, viz:

There has been received from sundry sheriffs, from the 27th of November, 1820, to the 17th of November, 1821, inclusive, on account of revenue arising from the year 1820, and for balances that were due for the years 1818 and 1819, the sum of \$11,144 59

From sundry collectors of revenue, for the year 1821, the sum of 677 00

From Adlain Campbell, superintendant of French Lick section, the sum of 200 00

From Alexander Little, superintendant of Rices' Lick section, the sum of 18 00

From Elisha Denny, superintendant of Rock Lick section, the sum of 38 00

From the state bank on loan, the sum of 1,800 00

From the sale of depreciated Ohio bank paper the sum of 26 56

From John Tipton, late sheriff of Harrison county, in part of a judgment against sundry citizens of said county, the sum of 91 00

In addition to the above sums, there has been deposited by his excellency the Governor, in the treasury, and the treasurer's receipt for the same filed in this office, treasury notes for the sum of 10,000 00

Sum total \$23,995 15

There was a deficiency of monies to meet the claims audited to the 27th of November, 1820, as per a former report, of \$ 711 46 $\frac{1}{4}$

Since that period, there has been audited in liquidation of militia expenses, the sum of 256 62

In liquidation of the accounts of the judiciary, the sum of 4,976 22

In liquidation of the accounts of the executive department, the sum of 2,200 00

In liquidation of the claims for wolf scalps, the sum of 100 00

In liquidation of the contingent expenses of government, the sum of	501 86
In liquidation of the accounts of the last General Assembly, and incidental expenses attendant thereon, including allowances to county censors, also to commissioners appointed to locate a site for the permanent seat of government, and the expenses for running the line between this state and Illinois, the sum of	9,248 70
In liquidation of interest arising on public loans from the state bank,	1,740 00
In liquidation of Robert Gray's account, contractor for building the state prison,	3,000 00
Amount of depreciated bank paper, disposed of pursuant to a joint resolution of the last General Assembly,	90 00
Sum total of	<u>\$22,833 86½</u>
Leaving in the hands of the treasurer, on the 17th of November, 1821, provided all the claims audited to that date have been paid, the sum of	1,161 28½
From the return of duplicates filed in this office for taxes for the year 1821, exclusive of the collectors' commission, amounts to the sum of	15,325 92
And from the counties of Knox, Daviess, Martin, Sullivan, Green, Scott, Lawrence, Pike, Randolph, Wayne and Bartholomew, no duplicates have been received; but the revenue derived from thence, may be estimated at	4,500 00
Sum total	<u>19,825 92</u>

The same difficulty exists in the Auditor's department, as was mentioned in the report of the last year, and considerable inconvenience will result to collectors of the revenue, in paying the same into the treasury, when there has been no certificate forwarded by the clerks, the law annexes no penalty to such failures—hence they are more frequent.

There will be due on the first of January next, one thou-

sand eight hundred and forty eight dollars, for interest on loans; in addition to which, there will be due on the public debt, ten thousand dollars on the 30th of December next, four thousand on the 3d day of January next, and six thousand on the 16th day of May next.

A receipt from the treasurer of state is on file in this office, for the sum of ten dollars in treasury notes, received for revenue on the 17th day of May, 1821.

Respectfully submitted,

Wm. H. LILLY,

Aud. Public Accounts.

To his Exc. Ratliff Boon, President of the Senate.

AUDITOR'S OFFICE, 6th DEC. 1822.

Sir—In obedience to an act of the General Assembly, entitled "an act, concerning the auditor of public accounts, and treasurer of state," I have the honor herewith to transmit you my annual report.

I have the honor to be,

Very respectfully, yours, &c.

Wm. H. LILLY,

Aud. Pub. Accts.

The auditor, in obedience to an act of the General Assembly, entitled an act, concerning the auditor of public accounts, and treasurer of state, submits the following report, viz:

There was remaining in the hands of the treasurer on the 17th of November, 1821, provided the warrants audited to that date have been paid at the treasury, \$	1,161 28½
There has been received from sundry collectors, from the 17th November, 1821. to the 30th of November, 1822, inclusive, on account of revenue arising for the year 1821, and for balances due for the years, 1818, 1819 and 1820, the sum of	22,068 48
From sundry collectors of revenue for the year 1822, the sum of	898 00

From John Carr, public agent at Indianapolis, on account of monies received from the sale of lots, the sum of	8,003 00
From Elisha Denny, superintendant of Rock Lick section, the sum of	41 00
From James Crow, late sheriff of Gibson county, for a balance due the territorial government, the sum of	14 80
From Vincennes bank, on deposit, the sum of	60 00
In addition to the above sums, there has been received at the treasury department, in conformity with an act of the General Assembly, approved 3d December, 1821, ten thousand dollars in treasury notes, of the denomination of one dollar each,	10,000 00
Sum total of	<u>\$42,246 57½</u>

Within the period above mentioned there has been audited, in liquidation of the accounts of the last General Assembly, and incidental expenses attendant thereon, including two hundred dollars appropriated for defraying the expense of house rent, for the use of his excellency Jonathan Jennings, late Governor, also, one hundred and fifty dollars appropriated to John Eastburn and James Besse, for arresting and bringing from Upper Canada, the late murderer, John Dahmen, also fifty dollars appropriated to be drawn by the secretary of state for the purpose of purchasing two stove pipes, for the use of the Senate and Representative chamber; in all the sum of	8,113 98
In liquidation of the accounts of the judiciary department, the sum of	4,252 00
In liquidation of the contingent expenses of government, the sum of	526 80
In liquidation for public printing, the sum of	2,056 60
In liquidation for stationary for the last General Assembly, the sum of	208 00

In liquidation for fuel furnished the last General Assembly, the sum of	26 43
In liquidation of militia expenses, the sum of	217 64
In liquidation of the allowance to county censors, the sum of	9 56
In liquidation for wolf scalps, the sum of	16 00
In liquidation of the allowance to the committee on education, the sum of	210 00
In liquidation for postage on public letters, the sum of	100 00
In liquidation of the expenses of laying off a town on the site selected for the permanent seat of government, including the public agent's third quarters salary for the year 1821, and also forty dollars to the auditor of public accounts, and eighty dollars and three cents to the treasurer of state, it being the amount of their per centum allowed upon all monies paid into the treasury, arising from the sale of lots of the town aforesaid, and agreeable to the provisions of an act of the General Assembly—approved, 6th January, 1821, the sum of	2,224 20
In liquidation of territorial warrants outstanding, the sum of	27 61
In liquidation of the executive department, the sum of	1,945 80
In liquidation of the attorney general's salary, the sum of	150 00
In liquidation of the appropriations made relative to the state prison, the following sums, viz. five hundred dollars as an additional allowance to the undertakers, Robert Gray and Reuben H. Murray; also the sum of five hundred dollars, for defraying the expenses of convicts confined therein, making in all the sum of	1,000 00
There has been paid at the treasury department, in liquidation of the debt due the bank of Vincennes, the sum of twenty one thousand two hundred dollars, in discharge of	

the principal and interest of the three first bonds due; also the sum of three thousand nine hundred and sixty four dollars and thirty three cents, being a partial payment on the fourth bond, for five thousand dollars, due the first day of January next, making in all the sum of

25,164 33

Sum total of \$46,248 95

Making a deficit to meet the claims audited to this date of

4,002 37½

From the quarterly returns made to this office, there is due from John Carr, late agent at Indianapolis, the sum of

695 05

Also from James Milroy, the present agent, the sum of

875 35

Making a sum total of \$1,480 40

Amount of balances due from sundry collectors, for the years 1819, 1820 and 1821, the sum of

1,290 89

From duplicate returns to this office, the revenue for the year 1822, after deducting the commission allowed for collection, amounts to the sum of

23,740 20

And from the counties of Ripley, Jennings, Scott, Jefferson, Bartholomew, Daviess, Sullivan, Posey, Pike, Spencer, Shelby and Putnam, no duplicates have been received, but the amount derived from thence, may be estimated exclusive of the allowance for collection, at the sum of

6,259 80

Making a sum total of 30,000 00

In addition to the demands upon the state there will be due on the first day of January next, the sum of one thousand five hundred and seventy dollars, and fourteen cents, it being a balance of the principal and interest due on the fourth bond given to the bank of Vincennes. There will be due at the

same period the further sum of six hundred and ninety six dollars, for interest on the balance of the public debt, making in all the sum of

2,266 14

All of which is respectfully submitted,

Wm. H. LILLY,

Aud. of Pub. Accounts.

To his Exc. Ratliff Boon, President of the Senate.

SIR,

The treasurer in obedience to an act of the General Assembly, entitled "an act, concerning the auditor of public accounts, and treasurer of state," submits the following report:

That there was remaining in the hands of the treasurer, on the 17th day of November, 1821, the sum of four thousand four hundred and seventy six dollars, and seventy nine cents,

\$4,476 79

That from the 17th day of November, 1821, to the 30th day of November, 1822, inclusive, there has been paid into the treasury, by sundry sheriffs, and other collectors of the revenue, the sum of twenty two thousand one hundred and sixty nine dollars, and forty nine cents,

22,169 49

By the representative of James Crow, late sheriff of Gibson county, for monies due under the territorial government, the sum of fourteen dollars eighty cents,

14 80

By John Carr, late agent and receiver of public monies, at Indianapolis, the sum of eight thousand and three dollars,

8,003 00

By the sheriff of Franklin county, for the revenue of 1822, the sum of eight hundred and fifty dollars,

850 00

By the sheriff of Dearborn county, in part of the revenue for 1822, the sum of forty eight dollars,

48 00

From Silas T. Toncray, an engraver, ten thousand treasury notes of the denomination of one dollar each, making the sum of 10,000 00

Making a sum total of forty five thousand five hundred and sixty two dollars, and eight cents, \$45,562 08

Within the periods above mentioned, there has been paid at the treasury in discharge of the contingent expenses of government, the sum of 529 80

For wolves destroyed, the sum of 12 00

To county censors, the sum of 9 56

To the committee on education, the sum of 140 00

For postage, the sum of 100 00

In payment of executive officers, the sum of 1,595 80

In discharge of militia claims, the sum of 231 97

To the attorney general, the sum of 100 00

In payments for public stationery, printing, fuel, &c. the sum of 2,291 03

In payment of territorial warrants, the sum of 27 61

In payment of the officers of the judiciary, the sum of 3,564 00

In payment of seat of government account, the sum of 1,722 61

To the president of the board of commissioners of the state prison, the sum of 1,000 00

In payment of the members of the General Assembly, and incidental expenses attendant thereon, including those claims provided for by special appropriation, as well as general, the sum of 8,091 77

In payment of those bonds given by the state, to the state bank, the sum of 25,164 33

Making in all the sum of \$44,578 48

Leaving a balance in the hands of the treasurer on this day of 983 60

And outstanding claims in the legislative department, of 22 21

In the seat of government account, the sum of 501 59

In the judiciary department, the sum of 2,036 00

In the executive department, the sum of 605 00

To the committee on education, the sum of 70 00

To the attorney general, the sum of 100 00

To the engraver of treasury notes, the sum of 175 00

Making in all, the sum of \$3,509 80

All of which is respectfully submitted,

D. C. LANE, Treasurer.

SECRETARY'S OFFICE,
CORYDON, April 12, 1823.

I DO CERTIFY, that in obedience to the directions of an act of the General Assembly of the state of Indiana, this edition of the LAWS of said state, has been carefully collated with, and corrected by, the original rolls that were delivered to me, and now remain on file in my office.

R. A. NEW,
Secretary of State for the state of Indiana

CONTENTS.

AN ACT providing for the more speedy printing of the acts and joint resolutions of the General Assembly	3
To legalize the proceedings of the board of county commissioners of Decatur county	4
To repeal an act, entitled "an act to authorize called sessions of the circuit courts, within this state, for the purposes therein named—approved, Jan. 2, 1822	ib.
On the subject of impeachments	5
To amend an act, entitled an act, for the formation of a new county out of Owen and Vigo counties and north of Owen—approved, December 31, 1821, and for other purposes	ib.
For the formation of a new county out of the county of Wabash, and for establishing the county seat thereof	7
For the re-location of the seat of justice of Union county	10
For the relief of Benjamin Olney and Rachel Simpson	12
To repeal part of an act, entitled "an act, amending and confirming an act, regulating the fees of the several officers and persons therein named	13
To authorize the agent of the county of Fayette, to sell certain ground in the town of Cannerville, in the said county of Fayette	ib.
Amendatory to an act, to amend an act, entitled an act, to license and regulate taverns	15
Authorizing John Conner to erect a mill dam across White river, at the Horse Shoe Bend	ib.
To provide for the election of certain officers therein named	18
Giving further privileges to the freemen of the town of Lawrenceburgh, in the county of Dearborn	20

An act for the formation of a new county, out of the county of Delaware	22
Appointing commissioners to lay out a state road from Lawrenceburgh, through Rising Sun and Vevay, to Madison	24
Providing for the revision and compilation of the statute laws of this state	25
Legalizing the proceedings of the board of commissioners of Knox county	26
Attaching part of the county of Jackson, to the county of Lawrence	27
Giving the citizens of Indianapolis, a public burying ground	28
Providing for the election of president and trustees for the Monroe county library	ib.
For the relief of Reuben H. Murray and Robert Gray	29
For the relief of the securities of persons charged with criminal offences	30
Changing a part of the state road located from Mauk's ferry to Indianapolis	31
To provide for the altering of state roads, and for other purposes	33
Authorizing the re-issuing of treasury notes	38
Amendatory to an act, entitled "an act authorizing the building of a state prison, and for other purposes	40
To locate a state road from Lawrenceburgh to Brookville, from thence to Connersville, thence to Centerville, thence to Winchester, and thence to Fort Wayne	43
Appointing commissioners to re-locate the seat of justice of Scott county, and for other purposes	43
Supplemental to an act, entitled "an act incorporating a county library in the county of Dubois, and other counties therein named"—approved, January 28, 1818	47
Supplemental to an act, to amend an act, entitled "an act to regulate the jurisdiction and duties of justices of the peace"—approved, January 28, 1818	48

To amend an act for the better regulation of the militia of the state of Indiana, and for other purposes	52
An act to establish a state road from Aurora, in the county of Dearborn, to Napoleon in the county of Ripley, and certain other roads therein named	57
To authorize the agent of state, to sell two additional brick yards, at the town of Indianapolis	62
Authorizing the circuit courts to decree the sale of the real estate of minors, and for other purposes	63
To amend the act, entitled an act, establishing a county treasurer—approved, January 1, 1817	66
To establish certain state roads therein named	68
To re-locate certain state roads therein named	70
To re-locate a part of the state road from Evansville to Terre Haute	72
Supplemental to an act, entitled “an act authorizing the laying off certain state roads in this state, and appropriating \$100,000 of the fund, commonly called the three per cent. fund, for opening the same—approved, December 31, 1821	74
To re-locate a part of the state road leading from Mount Prospect, on the Ohio river to Petersburg	75
Authorizing the state agent to rent out the improved lands on the donation at Indianapolis, and for other purposes	76
To alter the state road from Winchester to Indianapolis	77
Attaching part of the county of Harrison to the county of Floyd	ib.
To amend an act—approved, January 29, 1818, entitled “an act authorizing the granting of letters testamentary, and letters of administration, for the settlement of intestate estates and for other purposes	79
To limit the stay of execution, and for other purposes	83
To provide for judicial circuits, and fixing the times of holding courts therein, and for other purposes	85
Supplemental to an act, to amend the act, reducing into one act, all the acts and parts of acts now in force in this state, regulating proceeding in actions at law and suits in chancery	88

An act for the regulation of the writ of <i>capias ad satisfaciendum</i> , and to abolish imprisonment for debt, unless for fraud,	92
For the formation of the county of Madison	94
For the incorporation of the East Fork of White Water Toll Bridge Company,	97
For the formation of a new county, out of the county of Marion and north of Marion,	100
To re-locate the seat of justice of Floyd county	103
To revive and continue in force an act, entitled “an act locating certain permanent roads therein named,” and for other purposes—approved, Jan. 22, 1820, and the several acts amendatory thereto,	105
To amend the acts for the more speedy assignment of dower,	108
For the apportionment of senators and representatives, in the counties therein named,	110
To re-locate so much of the state road leading from the Ohio line through Brookville to Indianapolis, as lies between that point to which the said road is opened and Indianapolis,	111
To amend the act regulating the mode of summoning and empannelling grand and petit jurors—approved, Jan. 28, 1818,	112
To provide for the distribution of the laws and journals of the present General Assembly,	113
Relative to the three per cent. fund,	115
To attach a part of the county of Gibson to the county of Posey,	116
For the benefit of the heirs of the late John Fenchler, deceased,	117
To amend the sixth section of an act, entitled “an act, authorizing a State Medical Society in the state of Indiana,	118
To amend the several acts regulating fees,	ib.
To incorporate a public seminary at Aurora, in the county of Dearborn,	119
To authorize the qualified voters of this state to vote for or against a convention for the revision of the constitution of this state,	121
For the relief of the securities of Robert Gill, late a-	

gent of the county of Sullivan,	122
To amend an act, entitled an act for the formation of a new county out of the county of Delaware—approved, Dec. 31, 1821,	123
To authorize Polly Mosely, sole administratrix, of the estate of Enos Mosely, dec. to sell the real estate of said deceased,	124
Authorizing the location of the seat of justice in the county of Putnam,	125
To authorize David Stewart, administrator, and Lucinda Wyman, administratrix, of the estate of George Wyman, dec. to sell certain real estate,	126
To establish a state road from Terre Haute, to Fort Wayne,	127
Making general appropriations for the year 1823,	128
Authorizing the executors of the last will and testament of Andrew Brooks, dec. to sell and convey certain lands therein named,	130
To legalize the proceedings of the Franklin and Union circuit courts, relative to the partition of certain real estate among the heirs of Thomas Harper, deceased,	131
To revive and continue in force an act, entitled "an act, to establish a permanent road from Fredonia or Leavenworth, to Terre Haute—approved, January 2, 1822,	ib.
Authorizing the agent of the Rock Lick section to grant a certain lease therein named,	132
To authorize the Governor to rent such buildings in the town of Corydon, as may be necessary for his accommodation,	133
In addition to an act, declaring certain streams therein named, public highways—approved, Jan. 17, 1820,	ib.
For the relief of Joel Charles,	134
To dissolve the bans of matrimony between Charles Sefret, and Hetty his wife, late Hetty Mauzey,	135
To authorize Jesse Upton to build a mill dam across Anderson's river,	ib.
Concerning salt petre caves, and for other purposes,	136
To authorize the administrators of Simpson Charlton, dec. to reassign the certificate of certain real	

estate for the benefit of the heirs of said deceased,	137
An act for the altering of the western boundary line of Wayne county, & for other purposes therein named	138
Supplemental to an act, regulating the firing of woods, prairies and other lands,	139
For the benefit of the improvers of unsold town lots in the town of Indianapolis,	ib.
For the relief of Westill S. Calkins, and for other purposes,	140
To provide for the safe keeping of persons charged with criminal offences,	141
Declaring Big Sand creek a public highway,	142
Supplemental to an act, entitled "an act, regulating the duties of sheriffs and coroners,"	ib.
Making specific appropriations for the year 1823,	143
RESOLUTIONS,	
Relative to the revision of the statute laws,	149
Respecting printing,	ib.
To authorize the auditor, to audit a certain allowance to the sheriff of Fayette county,	150
For the benefit of the public printer,	151
To authorize the public printer to print certain acts,	ib.
Relative to National Road,	152
Relative to the Illinois Grant in Clark county,	ib.

INDEX.

	PAGE,
ADJUTANT GENERAL,	
To reside at seat of government,	53
Shall keep a roster,	ib.
ADMINISTRATORS, (See Executors.)	
When bonds shall be given to president judges,	81
AGENT OF STATE,	
May make annual leases,	76
To sell two additional brick yards at Indianapolis,	62
AGENT ON STATE ROADS,	
Allowance to,	74
AFFIDAVITS,	
To be made before ca. sa. shall issue,	92
(See Capias.)	
APPORTIONMENT,	
Of senators and representatives in certain counties,	110
APPROPRIATIONS general,	
For the year 1823,	128
APPROPRIATIONS specific,	
For wall to state prison,	41
Act on that subject,	143
ATTACHMENT,	
When plaintiff may take out,	88
	B
BILLS IN CHANCERY,	
When taken for confessed,	89
BRIGADIER GENERAL,	
Allowance to,	53
BROOKS, Andrew,	
Executors of, to sell and convey certain lands,	130
BIG SAND CREEK,	
A public highway,	142
	C
CAPIAS AD SATISFACIENDUM,	
Not to issue unless on affidavit,	92
Persons imprisoned by, how discharged,	93
CHALLENGES, Peremptory,	
In what cases and to what extent,	88
CHARLES Joel,	
An act for relief of,	134

(ii)

	PAGE.
CLERKS OF C. COURT,	
May issue alias,	89
Duty of, when defendant in chancery resides in another county,	87
COLLECTORS,	
Penalty for neglect of duty and shaving,	62
Shall receive county orders in payment of taxes,	67
CONVENTION,	
Qualified voters to express on tickets 'convention' or 'no convention.'	121
CONNER JOHN,	
May erect mill dam on White River at the Horse Shoe Bend,	15
CORPORATE BODIES,	
Suits against, how commenced,	90
COURT CIRCUIT,	
An act to authorize called sessions of, repealed,	4, 5
May sell real estate on application of guardians,	63
Extent of jurisdiction of,	64
May restrain waste by interlocutory decree,	65
Of other counties, where the lands lie shall have jurisdiction,	ib.
When may sit as c. probate,	81
When and where holden,	85, 86, 87
Duty of, when defendant stands mute,	87
Duty of, in cases of judgment by nil dicit,	92
Proceeding of, in Union and Franklin, legalized,	131
COURT PROBATE,	
May order the sale of real estate of minors, when personal estate is insufficient to support them,	79
Thirty days notice to be given,	ib.
CHARLTON SIMPSON,	
Administrators of, to reassign certificate of certain real estate,	137
CRIMINAL OFFENCES,	
Persons charged with, how kept,	141
CORONERS,	
Duty of,	142
	D
DECATUR COUNTY,	
Proceedings of commissioners of, legalized,	2
DELAWARE COUNTY,	
Act for formation of new county out of, amended,	123
DOWER—(See widows.)	
No alienation shall work extinguishment of,	109
DUBOIS COUNTY,	
Act incorporating library of, amended,	47

E

PAGE:

EXECUTIONS,

Stay of, on contracts after first June,	83
Certain property exempt from,	84
Debtor to select in certain cases,	ib.
Delivery bond to be taken and effect thereof,	84, 85
Writs of, when returnable,	90
Defendant in, neglecting to replevy, property to be sold on credit,	91

EXECUTORS,

Not compelled to sue insolvent debtors,	80
Scire facias may issue on return of nulla bona and suggestion of devastavit,	81
Evidence may be given of assets in hands of, prior to judgment quando acciderint,	82

ELECTIONS,

Writs of, to issue to elect associate judges, clerks, &c.	18
How conducted,	19
At what time holden,	20

F

FAYETTE COUNTY,

Agent authorized to sell and convey Old Public Square in Connorsville,	14
--	----

FENCHER JOHN,

An act for the relief of the heirs of,	117
--	-----

FORGERY,

Penalty for forging t. n.	39
---------------------------	----

FLOYD COUNTY,

Commissioners appointed to re-locate seat of Justice of, Courts in, when holden,	103
	104

FUND, three per cent.

Governor authorized to draw deposits from Vincennes bank and Corydon branch,	115
--	-----

FEES,

The act amending, &c. repealed in part,	13
---	----

G

GILL ROBERT,

An act for the relief of securities of,	122
---	-----

GIBSON COUNTY,

Part of, attached to Posey,	116
-----------------------------	-----

GOVERNOR,

May rent buildings for his accommodation,	133
---	-----

GUARDIANS,

To give bond,	64
Additional security may be required of,	ib.

Damages may be decreed against delinquents,	66
Shall give bond and security,	79
Shall make report of sales of minors lands to cl'k of c. c.	80
Shall give bond to ward for faithful performance,	82

H

HAMILTON COUNTY,

Boundary,	100
Courts where holden,	101
Library of, organized,	102

HARRISON COUNTY,

Part of, attached to Floyd,	77
-----------------------------	----

I

IMPEACHMENTS,

The act to amend the act, directing the mode of proceeding in, repealed,	5
--	---

INDIANAPOLIS,

Donation for public burying ground in,	28
Timber may be cut on lots unsold,	62
Penalty on those who obstruct streets and alleys,	63
An act for the benefit of improvers of lots unsold in,	139

INFANTS,

Bound by disposition of their property,	66
---	----

JACKSON COUNTY,

Part attached to Lawrence,	27
----------------------------	----

JOHNSON COUNTY,

Boundaries,	22
Library of, organized,	23

JURORS, grand and petit,

At what time selected by commissioners,	112
---	-----

JUSTICES of the peace,

Appeal from,	49
Bond and condition,	ib.
When c. c. may take new bonds,	ib.
Shall recall execution,	ib.
Trial when had,	ib.
Costs, how taxed,	50
do. to abide event of suit,	51
May recognize for misdemeanors,	ib.

L

LAWRENCEBURGH,

Council may be elected,	21
May pass by-laws,	26

LAWS AND JOURNALS,

In what manner and at what time, distributed,	113
---	-----

LAUGHERY CREEK,
Made a public highway,
LIBRARIES,
(See Dubois, Hamilton, Johnson, Madison, Monroe & Union.)

M

MADISON COUNTY,
Boundary, 95
Library of, how conducted, 96

MILITIA,
New board of officers may be convened, when the first
have failed to meet, 52

Gen. officers shall not command regimental musters un-
less requested, 53

Mode of determining election when two are equal and
highest, ib.

Company and regimental musters when held, 54

Officers, equipped and uniformed, 55

Commandants to return delinquencies, ib.

Courts of assessment failing to meet may be after-
ward convened, ib.

Officers of vol. corps, to constitute courts of assessment, 56

MINORS,
Monies of, in what manner vested, 65

MONROE COUNTY,
Qualified voters to elect president and seven trustees
for library of, 29

MOSELY Polly, sole administratrix,
To sell real estate of her husband, 124

MONTGOMERY COUNTY,
Boundary, 7
Associate judges, when elected, 8
Library of, how incorporated, 9

MURRAY, Reuben H. and R. Gray,
An act for the relief of, 29

N

NOTICE,
To sheriffs and coroners not longer than three days, 91

O

OLNEY BENJAMIN,
An act for the relief of, 12

ORDERS COUNTY,
May be divided, 67
When no funds in the treasury, day of presentment to be endorsed, ib.
Paid by seniority of presentment, and shall bear interest, ib.

PARTITION of real estate,
By whose order to be made when lying in the same or different counties, 81

PROSECUTING ATTORNEY,
Duty of, 90

POTNAM COUNTY,
Boundary, 6
Suits pending in, how prosecuted, ib.
Location of the seat of justice of, authorized, 125

R

REPEALED,
An act to authorize called sessions of circuit court, 4
Part of act regulating fees, &c. 13
An act to amend the act directing the mode of proceeding in impeachment, 5
An act establishing a permanent system of statute laws 26
Part of the second section of the justices' act, 51
Twenty ninth section of the justices' act and first section of the act amending
the same, 52
All acts and parts of acts coming within the purview of the act amending militia
law, 56

ROCK LICK SECTION,
Agent of, may grant a certain lease, 132

REVISOR,
(See Statute Laws.)

S

SALT PETRE CAVES,
An act concerning, 136

SCOTT COUNTY,
County seat of, re-located, 45
Public buildings to be sold, 47

SECRETARY OF STATE,
To furnish public printer with certified copies of acts and joint resolutions, 3
To make index, marginal notes, and allowance therefor, ib.

SECURITIES,
An act for the relief of, in criminal cases, 30

SEFRET Charles, and Hetty, his wife,
Bans of matrimony dissolved, 135

SEMINARIES, County and Public,
Fines appropriated to the use of, 118
At Aurora in the county of Dearborn, incorporated, 119

SHERIFFS,
Allowance to, for transportation of convicts, 42
Duty of, 142

STATE PRISON,
Term of confinement in, 40
Convicts detained at 50 cts. per day, till fines are paid, 41
Prisoners escaping from, to be doubly confined, ib.
To be enclosed, ib.

STATE ROADS,
How kept in repair, 37
Commissioners appointed to lay out, from Lawrenceburgh to Madison, via Ris-
ing Sun and Vevay, 24
To locate from Lawrenceburgh to Fort Wayne, 43
From Aurora to Napoleon, 57

Y

	PAGE.
From Madison to Lawrenceburgh,	58
From Paoli to Petersburg,	59
From Madison to Fort Wayne,	ib.
From Jacob's Ford on Silver creek, to the Pine Lick,	60
From Columbus to Bloomington,	ib.
From Brookville to Versailles,	61
From Madison to Big Creek,	62
From Corydon to Charlestown,	63
From Ohio, via Salisbury to intersect the road from Brookville to Indianapolis,	71
From the Ohio line, where Oxford road crosses the same, via Dunlapville to Comersville,	72
From Evansville to Terre Haute,	ib.
From Mount Prospect to Petersburg,	75
Re-location of, where to commence,	73
From Winchester to Indianapolis,	77
From New Albany, via Corydon to Princeton,	108
From Ohio line, via Brookville to Indianapolis,	111
From Terre Haute to Fort Wayne,	127
From Fredonia or Leavenworth, to Terre Haute,	131
From Mauck's Ferry to Indianapolis,	31
Persons aggrieved by laying out, may petition c. court,	34
Petition to be made in 12 months,	ib.
Proceedings on petition for change of,	35
Vacancies of commissioners of, how supplied,	36
When commissioners of, may resign,	37
STATUTE LAWS,	
Revision and compilation of,	25
Revisor, how elected,	ib.
His duty and compensation,	26
STEWART David, and Lucinda Wyman,	
May convey real estate of George Wyman, deceased,	126
T	
TAVERNS,	
In the act to license and regulate, 1818 substituted for 1820,	15
TREASURY NOTES,	
\$15,000 to be re-issued,	38
To be endorsed and signed by treasurer,	ib.
Receivable for taxes, and for officers' fees,	ib.
Penalty for forging, (See forgery.)	39
State pledged for redemption of,	ib.
To bear interest,	
U	
UNION County,	
Seat of justice of, re-located,	10
Reservation for a library of,	11
UPTON Jesse,	
May build a mill dam across Andersons river,	135
W	
WAYNE County,	
Western boundary of, altered,	138
WIDOWS,	
On giving notice to heirs, non resident, may have dower assigned,	108
Neglecting to apply, heirs may have dower assigned,	109
May be endowed of one entire tract,	ib.
May retain articles not exceeding \$100,	80
WHITE WATER,	
Toll Bridge Company, incorporated on East Fork of,	97
WOODS,	
An act regulating the firing of,	139

JOINT RESOLUTIONS.

RESOLUTION.	PAGE.
Relative to the revision of the statute laws,	149
Respecting printing,	ib.
To authorize the auditor to audit a certain allowance to the sheriff of Fayette county	150
For the benefit of the public printer,	151
To authorize the public printer to print certain acts,	ib.
Relative to the National Road,	152
Relative to the Illinois Grant in Clark county,	ib.